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ABSTRACT

The anthology focuses on some of the different ways people in the United States and others have interpreted the relation between First Amendment provisions and religious freedom. The book is organized into six chapters, each suggestive of a different framework of ideas or terms: (1) political, (2) legal, (3) comparative, (4) theological, (5) cultural and historical, and (6) ideological. The different readings reflect perspectives from which people have addressed problems involving the relationship between religion in the United States and the U.S. government. Each chapter contains questions for discussions. (KWL)

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Church, State and American Culture

edited by

Giles Gunn

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CHURCH, STATE and the FIRST AMENDMENT:

A North Carolina Dialogue

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Church, State and American Culture
edited by
Giles Gunn

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CHURCH, STATE AND THE FIRST AMENDMENT: A NORTH CAROLINA DIALOGUE

Volume I: *Religion and Government in Other Countries*
Edited by James C. Livingston

Professor Livingston teaches in the Department of Religion at the College of William and Mary. The author of *Modern Christian Thought: From the Enlightenment to Vatican II*, he recently edited an anthology entitled *Religious Thought in the Eighteenth Century*. In *Religion and Government in Other Countries*, Professor Livingston presents readings on the role of religion in other societies: the Islamic Republic of Iran, England, France, Germany, the USSR, and Israel. This anthology provides foreign models against which we can judge the strengths and the weaknesses of our own constitutional arrangements.

Volume II: *Religion and Law in American History*
Edited by John E. Semonche

Professor Semonche, a lawyer and historian, teaches American constitutional and legal history in the Department of History at the University of North Carolina at Chapel Hill. He is the author of *Charting the Future: The Supreme Court Responds to a Changing Society, 1890-1920* and *Ray Stannard Baker: A Quest for Democracy in Modern America, 1870-1918*. In Part I of this anthology, Professor Semonche presents selections which address the historical and philosophical background of the religion clauses. In Part II he presents selections from the major court opinions on the relationship of religion and government.

Volume III: *Church, State and American Culture*
Edited by Giles Gunn

Professor Gunn is a member of the Department of Religious Studies and the Curriculum in American Studies at the University of North Carolina at Chapel Hill. The author of a number of studies on religion and literature, Professor Gunn recently edited *New World Metaphysics* and *The Bible and American Arts and Letters*. He is also the author of *The Interpretation of Otherness*. In *Church, State and American Culture*, he presents readings on the tensions between America's strong religious heritage and the secularism of her fundamental law.

Volume IV: *Church, State and Education*
Edited by Waldo Beach

Professor Beach teaches in the Divinity School of Duke University. Among his publications are *Christian Community and American Society*, *The Wheel and the Cross: A Christian Response to the Technological Revolution*, and *The Christian Life*. In this anthology, he includes readings on the school prayer controversy, the creationism-evolution debate, the 'humanism'in-the-schools dispute, and government regulation of religious schools.

These anthologies are available for use in community programs sponsored by non-profit organizations.To obtain copies, contact CHURCH, STATE AND THE FIRST AMENDMENT: A NORTH CAROLINA DIALOGUE, 209 Abernethy Hall, University of North Carolina at Chapei Hill, Chapel Hill, NC 27514.

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Preface

Throughout the 1984 national election a debate raged over the proper relationship between church and state in this country. News magazines devoted cover stories to the topic. Talkshows featured prominent religious leaders, politicians, and civil libertarians who offered their opinions on issues ranging from school prayer to the nuclear freeze. In nationally televised debates President Ronald Reagan and former Vice President Walter Mondale confronted questions about their personal religious beliefs and how these beliefs might affect their decisions in public office. Concerned clergymen signed a statement warning of the dangers of "Armageddon theology." Emotions ran high and disagreements were sharp. Although the 1984 election is past, Americans continue to struggle with the proper role of religion in politics, education, and culture.

Yet despite the quantity of discussion, the quality of the debate is often not of the caliber we would wish. Too often we talk past each other; too often we fail to listen to what others say. Because in a pluralistic society we Americans are divided by basic and frequently unnoticed assumptions about religion, the purposes of the state, and the principles of constitutional law, we frequently fail to recognize the underlying reasons for our disagreements.

CHURCH, STATE AND THE FIRST AMENDMENT: A NORTH CAROLINA DIALOGUE seeks to provide citizens of the state with opportunities to examine closely the meaning of the two religion clauses of the First Amendment. Through public forums and debates, community programs, study groups, and radio and television documentaries, this project encourages North Carolinians to place church-state issues into broader historical, religious and philosophical contexts, and to gain a wider perspective on the separation of church and state in America by comparing it with the relationship between religion and government in other countries.

This anthology is one of four collections of background readings on church-state issues designed to provide primary materials through which North Carolinians can better understand the religion clauses of the First Amendment. Each anthology has been edited by an acknowledged scholar. With insight into the complexities of the topic and fairness to divergent points of view, these editors have selected materials representing a wide range of philosophical, religious, and political perspectives. They have included historical and legal documents, essays by philosophers and observers of the American scene, as well as newspaper and magazine articles. Readers will therefore find in these anthologies both "A Secular Humanist Declaration" and "A Christian Manifesto." They will discover selections from the "left" and from the "right," as well as from authors who strive for a middle ground. In no case is the aim of an anthology to tell readers what to think about these issues; rather each anthology seeks to provide readers with a better basis for civil and informed dialogue on questions confronting our society. We hope that these four collections of readings on church-state relations will contribute to serious inquiry into the place of religion in American society and that they will help us talk and listen to each other about issues which vitally affect us all.

CHURCH, STATE AND THE FIRST AMENDMENT: A NORTH CAROLINA DIALOGUE is sponsored by the Program in the Humanities and Human Values of the College of Arts and Sciences at the University of North Carolina at Chapel Hill. The mission of the Program is, in part, to develop and sponsor a wide variety of educational programs for the public of North Carolina which bring to bear the perspective of the humanities on important social, moral, and cultural issues. Major funding for this project has been provided by the National Endowment for the Humanities. We are grateful to the Endowment for their generous support.

I wish to thank Warren Nord, Director of the Humanities Program, whose idea this project originally was; Richard Schramm, who was the first project director; and Patricia Owens, the Humanities Program secretary. The Publications staff of the Division of Extension and Continuing Education at the University of North Carolina at Chapel Hill has put long hours into the preparation of these anthologies. I am particularly grateful to June Blackwelder, Mary Marshall Culp, Donna Marlette and Julia Klarmann for their patience and attention to detail. Marcia Decker and Marie Evans provided assistance with proofing and layout. I also appreciate the help provided by the staff of the Davis Library at UNC-Chapel Hill, especially that of Mary Ishaq and the Humanities Reference Department. The Project Advisors for CHURCH, STATE AND THE FIRST AMENDMENT read manuscripts of the anthologies and offered valuable suggestions. The Printing and Duplicating Department at UNC-Chapel Hill printed and bound the volumes. Most importantly, I thank the editors of the anthologies. They have succeeded in the difficult task of making complex issues understandable to a non-academic audience, and they have accepted suggestions for changes without losing their sense of humor.

Diane Sasson
Project Director

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Introduction

The purpose of this volume is to explore the relationship between the First Amendment's protection against civil involvement in religious affairs and the strong religious heritage of America. That relationship has always been problematic, and never more so than at the present time. To some Americans the "no establishment" clause of the First Amendment seems to encourage a secularism that is incompatible with the religious propulsion of America's entire history. To other Americans the "free exercise" clause promotes an implicit support of religion that conflicts with the Constitutional tradition of separation between church and state. Still others view the First Amendment provisions as the guarantee of a religious and social pluralism which they regard as the social and religious hallmark of American democracy, while yet still other Americans recoil from pluralism, supporting a theology that not only sees the Constitution grounded on religious beliefs but sees the function of First Amendment guarantees as that of protecting the religious beliefs which underpin it.

As if these discrepancies of interpretation were not enough, there seems to be a serious contradiction between what Americans say they believe about the relation between church and state and how they act. Most Americans say they believe in the Constitutional "wall of separation," as Jefferson termed it, between the civil and the ecclesiastical, but in actual experience they keep confusing the two, and often purposely. Thus while the courts, and occasionally, legislatures, are busy guarding or preventing civil preference for any religious group, the coins of the realm are inscribed with the motto "In God We Trust," the Congress of the United States makes use of the services of a chaplain, the President and other officials regularly seek divine support for public policies, and the Supreme Court, in a memorable, if for him somewhat uncharacteristic, opinion delivered by Justice William O. Douglas, concluded that Americans are a religious people whose system of government presupposes a Supreme Being.

These discrepancies between our Constitutional professions and our actual social and political practice are no accident. They are the result of the wide latitude of interpretation to which the provisions of the First Amendment have historically always been susceptible, and they point to the fact that, for a variety of reasons, the place of religion in American life has proved resistant to legal adjudication. At the root of these matters is the fact that religion has enjoyed no single or simple definition in American society, that American society has been of different minds at different times and within different constituencies as to the social importance of religion, and, finally, that the social importance of religion can be variously construed by the First Amendment.

One result of these variables is that anyone interested in the relationship between church and state in America quickly finds himself asking a widening series of questions: In a nation so committed to the separation of church and state, how does one account for the continuing reference to the United States as a Christian nation and for the continuing eagerness of American leaders to seek divine sanction for public policies? What is the role of religious symbols in American social and political life? How can the state remain neutral in religious matters when so many of its decisions impinge upon the interests of particular religious communities and traditions? Has the doctrine of state neutrality led paradoxically to the creation of a *de facto* religious establishment? Is a *de facto* religious establishment, or "civil religion" in America, compatible with the pluralism of American society? To what extent has the Supreme Court's reading of the religion clauses of the First Amendment been shaped by American history and culture, and to what extent has American culture and society been shaped by the Supreme Court's reading of those clauses?

A second result of these variables is that anyone attentive to questions of church and state in America will find them cropping up almost everywhere in contemporary political life. They are prominent not only in the dispute over the church's role in restricting abortion but also in the debate about the place of religious values in the discussion of nuclear disarmament. They are implicated in recent discussions concerning the legality of Congressional investigations into religious cults as well as in the controversy surrounding the Internal Revenue Service's attempt to define tax-exempt activities and to regulate church-related schools when they fail to comply with federal laws. But this is only the tip of the iceberg. Church-state relations are involved in almost every major political issue of the day because questions about the role of religion in public life and public responsibility for the protection and limitation of that role take us to the very center of American history and society.

This book is an attempt to probe that center by focusing on some of the different ways that Americans and others have interpreted the relation between the First Amendment provisions and religious freedoms. The book is organized into six different chapters, each of which is suggestive of a different framework of ideas or terms: the political, the legal, the comparative, the theological, the cultural, and the ideological. There is nothing definitive or absolute about these categories or frames of reference; they merely reflect some, but by no means all, of the perspectives from within which people have addressed problems that involve the relation between religion in America and the American state. While these categories are indicative of concerns or orientations within the

material gathered under their heading, they are in no sense intended to define or represent perspectives with which their authors are necessarily associated.

As for the selections themselves, they are inevitably limited in number and in kind. Nonetheless, they have been chosen because they help to suggest something of the spectrum of opinion that has been expressed on the relation between church and state, really between religion and society, from one or another of the perspectives encompassed by this volume. However, if the selections are comparatively few, the questions they raise are not. One can include among them the following:

- Is the wall of separation between church and state absolute?
- When can, or should, that wall be breached?
- To what extent should, or can, the state interfere with religion?
- When is it permissable for religion to influence or to question public policy?
- In what sense is the Constitutional understanding of these matters inviolate?
- When does subsequent historical experience override a strict Constitutional understanding of such matters?
- What principles affecting our understanding of religion or the state can help us decide the issue?
- In what sense are such root principles themselves religious?
- What relation does the eighteenth-century wisdom behind the religion clauses bear to the Biblical wisdom about rendering unto Caesar the things that are Caesar's and unto God the things that are God's?
- Does toleration of minority opinions and beliefs itself require belief?
- How far should the public tolerate beliefs that go against conscience?
- Who or what is to decide in such cases: majority opinion? court decisions? the give and take of the public marketplace?
- Does submission to religious authority necessarily, or as a matter of course, lead to uniformity of belief?
- In what sense is liberty of opinion compatible with religion itself, and particularly with Protestant Christianity?
- When the civil and the ecclesiastical tend to converge, as in a theocracy, what sense does it make to talk of government serving the people rather than people serving the government?
- If we are accountable in matters of conscience only to God, as Jefferson and others argued, what is to check conscience when it thinks it possesses divine sanction?
- Does the belief that truth is an absolute lead to the freeing of inquiry or the forcing of it?
- How far should anthropology, or one's understanding of the nature of human beings, control or dictate the arrangement proposed for distinguishing between the civil sphere and the religious?
- Are there any specific religious assumptions that are essential to the development and maintenance of civilized society?
- Can those assumptions be differentiated from the sectarian bodies which are often organized in their name?

- Is traditional religion in fact compatible with democratic society, or the tendencies and characteristics attributed to democratic society?

- How has Christianity, or as it is sometimes called the Judeo-Christian tradition, come to be tacitly established in the United States, if not as the legally established religion of the nation, at least as its "official" religion?

- Is the separation of church and state compatible with, or even in the interests of, non-Christian faiths such as Judaism or Buddhism?

- How is the authoritarianism of a church like Roman Catholicism to be reconciled with the religious pluralism of America?

- What precisely is pluralism?

- What is a religiously pluralistic society?

- Is state neutrality necessarily conducive to religious pluralism?

- In what sense has the Supreme Court acted in response to the beliefs of the justices instead of in response to the course of American history?

- In what sense does, or should, the Supreme Court regard the religion clauses as blueprints for action rather than as statements of abstract principles?

- Do the religion clauses provide freedom from conformity to religious dogma or freedom from conformity to law when it conflicts with religious dogma?

- Are there any constraints within religion or beyond it which can challenge dogmatic certitude?

- When does dogmatic certitude become fanaticism and fanaticism become either criminal or blasphemous?

- What is the "bottom line" for Christians subject to civil law?

- What is at stake for those who wish to keep the American civil order religious?

- Is keeping the American civil order religious the same as keeping America Christian?

- What is at stake for those who wish to keep the American civil order secular?

- Is keeping the American civil order secular the same as keeping it humanist?

- Is there something religious about the American civil order simply as it is, as a cultural way of life?

- What is the relation between the precepts of the American civil or social order in the twentieth century and the precepts of the American social order as they were enunciated during the Enlightenment?

- Is the American civil order and its way of life to be regarded as religious because it constitutes itself as ultimate or because it can be perceived, using terms drawn from the American experience, within a perspective that is ultimate?

- What are the terms by which the American way of life or civil order has been described as religious?

- To what extent is the need to define America in sacred terms the symptom of a religious problem rather than the solution to it?

• When is a religious faith in fact merely a social faith, and how does one discriminate between the two?

These questions have elicited a great many answers in the last two hundred years and this volume can by no means explore all of them. What it can do is present some of the different contexts in which these questions have been raised and indicate some of the different directions that have been taken by answers to them.

This volume begins with a chapter intended to introduce some of the issues at stake in the present discussion of these questions as they are perceived from both the left and the right of the American political spectrum. These issues were constructively isolated and defined in an interesting debate on the relation between government and religion organized in the fall of 1983 by Liberty Baptist College in Lynchburg, Virginia. The source of interest in this debate was at least two-fold. First, Liberty Baptist College is the educational arm of Dr. Jerry Falwell's Moral Majority and is often associated in the American public mind, or at least in that part of the public mind that is suspicious of the politics of the Moral Majority, with the defense of a single set of views rather than with the balanced consideration of alternative positions. Second, the principal speakers in this debate were Senator Edward M. Kennedy of Massachusetts, a prominent liberal, and Representative Jack Kemp of New York, a prominent conservative. Each was invited on a separate occasion to present his own position, though neither was provided with an opportunity to rebut the other.

While the split between liberal and conservative is by no means the only way that thought and feeling now divide on this issue in America, the differences between Senator Kennedy and Representative Kemp still tell us a good deal about how Americans now align themselves over the question of the church's appropriate relation to the state, really over the relation between the civil order and the spiritual. They indicate what Americans variously think of as the political province of religion and the religious authority of politics. They suggest how different Americans differently regard the rights of individual conscience, the place and purpose of religious disagreements in politics, the importance of religious tolerance, the protection of minority views, and, finally, the relation between freedom and religion. Those differences reflect important historical elements of the American tradition and are echoed, as we will see, in everything from Supreme Court opinions to the views of foreign observers of the United States, from contemporary analyses of national religious sentiment to theological assessments of the First Amendment.

The second chapter of the volume takes up the discussion of the relation between religion and civil authority from the legal point of view. This chapter is divided into two parts. The first is comprised of representative opinions delivered in three Supreme Court cases affecting the relationship between church and state. These opinions are important not so much because they establish important judicial precedents (though in some cases they did) but because they demonstrate how the rule of law often derives its sanctions from broader social, moral and spiritual traditions. They also demonstrate how legal debate can give rise to strikingly different interpretations of the same principles.

The second part of this chapter includes three different assessments of the Court's interpretation of the First Amendment. Though these several assessments are by no means representative of all the readings that serious students of the Court have made of its actions in this sphere of review, they do suggest some of the different grounds on which those various readings have been made.

The next chapter of the volume takes up several of the more traditional theological responses to the church-state question. In this chapter there has been an ecumenical attempt to include material reflective of each of the major American ecclesiastical communities, Roman Catholicism, Protestantism, and Judaism; but it should be noted that no one of the authors of these selections, however prominent nationally, speaks for the whole of the tradition with which he is here associated. In one case, in fact, that of Father John Courtney Murray, his is distinctly a minority position within the Roman Catholic Church; and in another, that of Richard Rubenstein, it is clear that the author would now have considerable difficulty in identifying himself with the official position of the Jewish community on this issue. Nonetheless, we can still see from these selections how Roman Catholics are likely to appeal for defense of their position to natural law, how the Protestants are more generally inclined to turn to Biblical, and more particularly to prophetic traditions, and how Jews are traditionally disposed to appeal to historical experience and particularly the experience of the Jewish community within history.

The fourth chapter of the book seeks to acknowledge the important contribution that foreign observers have often made to the understanding of American institutions and values. Indeed, their insights into the place of religion in American life have tended to become all the sharper and more arresting because of their tendency to see religion, in contrast with their own national experience, as comprising a very central place in American life and serving as the source of America's most distinctive social as well as spiritual structures. Having said this, however, it is necessary to add that they have displayed very little consensus as to just where that place

is located or what, as a result, is spiritually most distinctive about America. These three selections possess the additional importance of having been produced at important but quite different moments in the history of the American experience—the antebellum period (1830s and 1840s), the Victorian or Genteel Age (1880s), and the postwar era (1940s).

The fifth chapter of the book considers the relations between religion and the American civil order from an historical and cultural perspective. It not only asks if cultural and historical factors have influenced the way the relation between religion and society has been formulated in America, but also if the relation between religion and society in America has taken peculiar or distinctive historical and cultural forms. Here again, it should be noted, there are significant differences of opinion. Thus while these selections by no means encompass the full spectrum of thinking on this subject, they indicate something of the variety of directions such thinking has taken.

In the sixth and final chapter of the book, the discussion of the relation between First Amendment protections of religion and American traditions of the free exercise of religion is put in its most volative contemporary context. To call that context or perspective ideological is not to express a value judgment but to define a frame of reference. The crucial determinant of divergent views on church-state issues for many Americans at present is a difference between worldviews. These worldviews deserve to be called ideological because they are proposed, at least in part, as answers to the collapse, or at any rate the disintegration, of the American social and political as well as spiritual order, and they are intended to be taken as maps, or better, as blueprints, for the reconstruction of a viable politics as well as a believable faith. In this sense there are numerous ideologies currently competing with one another in contemporary America, but the most basic division may well be between those ideologies which call themselves Christian and those which call themselves, or are described by others as, secular humanist. In this chapter both ideologies are defined by some of their most forceful defenders, but an attempt is also made to display something of the diversity of assumption within each ideology and also to situate both ideologies against a broader intellectual and metaphysical background.

In sorting out these various perspectives and grasping the significance of the differences within them, it is well to remember that current thinking about the relations between religion and American society goes back to two great traditions, the Puritan and the Republican. The first of these traditions, the Puritan, which is associated with New England and the seventeenth century, relegated the state to a subordinate position in relation to the church and established the view that America's spiritual identity has primacy over all others. The second of these traditions, the Republican, which took root in the eighteenth century in parts of Virginia and elsewhere on the Atlantic seaboard, sought to create a kind of parity between church and state by reserving for each a separate but equal status that could serve as a mutual benefit to both.

The Puritan conception of the relationship between church and state received one of its earliest statements in John Winthrop's great sermon entitled "A Model of Christian Charity" which he delivered aboard the *Arabella* just before the first large wave of colonial settlers reached Massachusetts Bay in 1630. Winthrop's theme was the nature and form of government the Puritans had determined to establish in the New World. This form of government was theocratic because it conceived the civil and ecclesiastical realms as one and proposed as the purpose of such government not just the service of God but the performance of his work in the world. Assurance of their calling to perform this sacred work had been provided by God himself, these Puritans believed, when he bound them to him by his Holy Covenant. This Covenant was the seal of their divine commission which, if betrayed, would turn these early Americans into a byword among the nations, but which, if obeyed and fulfilled, would convert their theocratic experiment into a "City upon a Hill." Winthrop's imagery, and at least some of the religious thinking behind it, was powerful enough to have worked all the way down through the centuries into the inaugural address of President Ronald Reagan, even though the problems Winthrop's theocratic ideal created for the right of individual conscience were noted in his own time by the dissident Roger Williams.

Roger Williams, the founder of Rhode Island and the father of religious toleration in America, was no less committed to the primacy of religion over the state and the priority of God's Word over all others than John Winthrop. Nonetheless, Williams resisted the notion that submission to the Word of God requires uniformity of religious belief and practice. Williams argued instead that individuals are entitled as a natural right to religious liberty and that the maintenance of religious uniformity is as harmful to the ecclesiastical realm as it is to the social.

Other colonial theorists like the Quaker William Penn, founder of Pennsylvania, went even further. Though Penn shared Winthrop's belief that America was called to be a Holy Commonwealth, he sided with nonconformists like Williams in maintaining that the purpose of such government is to serve its people and not to coerce them. Penn could believe that government is a part of

religion itself, "a thing sacred in its institution and end," but at the same time argued that the great end of government is to support power only where it serves the people and otherwise to protect people from its abuses. Penn's underlying principle, and one that was to be picked up and proclaimed in the later Republican era using different language, was that "liberty without obedience is confusion, and obedience without liberty is slavery."

The dangers of religious conformity were even more apparent, of course, to Thomas Jefferson and other Enlightenment figures. This is partly because they lived in an age which put greater emphasis upon the reliability and integrity of human reason and placed greater faith in the sanctity of the human individual. It is also due partly to the fact that Jefferson, like Madison, Franklin, Adams, and the others, was more deferential to experience and less hostage to precepts. As Jefferson said in the chapter on religion in his *Notes on the State of Virginia*, every historical attempt to create uniformity of opinion in religion has proved a failure by rendering half the world fools and the other half hypocrites. But the ideal of religious uniformity could also be rejected on positive grounds as well, since free inquiry, far from constituting a danger to religion, had often proven historically to be a source of renewal within religion itself.

However, Jefferson possessed other, and in some respects even more compelling, "theological" reasons for resisting any attempts to legislate religious conformity. Like most Enlightenment thinkers, Jefferson believed, as he put it in the "Acts for Religious Freedom" he drafted for the State of Virginia in 1785, that God had created the human mind free and that those who try to coerce the mind, whether in matters civil or ecclesiastical, not only falsify the truth but encourage deception and selfishness. Truth, Jefferson assumed, if left to itself, can and will prevail. It was not truth which needs the protection of government but falsehood, since truth is its own and most adequate defense against error. Government should not concern itself with the opinions of its citizens except where they constitute a threat to peace and civil order. To involve itself in matters of religious opinions was for government not only to endanger the liberty of belief to which every citizen was entitled as a natural right but also to jeopardize the principles of religion itself.

In his famous "Memorial and Remonstrance" against a bill proposed by Patrick Henry to the General Assembly of Virginia for the purpose of establishing a provision for the teachers of the Christian religion, James Madison went even further. Agreeing with Jefferson and the other Founding Fathers that religion is a duty we owe to God but not to the state, Madison then went beyond all but Benjamin Franklin in maintaining that religion can only be directed by reason and conscience and must not embrace any proposition that does not square with both. Madison held that the right to the free exercise of conscience and reason is inalienable on at least two grounds. First, it is inalienable because if our thoughts and actions are based solely on the evidence we contemplate with our minds, then they cannot, without contradiction, follow the dictates of any other opinions but our own. Second, it is inalienable because our duty as reasonable human beings is to render to the Creator only such homage as we ourselves believe acceptable for such purposes. On this basis, Madison concluded that religion should be exempted from the authority of society as a whole and then went on to add that we should likewise exempt it from the authority of all legislative bodies because they are composed of individuals whose perspectives, like our own, are inevitably limited and derivative.

These two traditions, the Puritan and the Republican, or perhaps we should call them the Calvinist and the Enlightened, came together and received quite possibly their most powerful restatement in some of the utterances of Abraham Lincoln. The most famous instance of their unification is certainly Lincoln's Second Inaugural Address, delivered in 1865, when he warned a tragically divided, embattled, and aggrieved nation against the danger of claiming divine favor or sanction for either side. Lincoln reminded all who believed they were acting in accordance with God's will that the Almighty has his own purposes which no individual can fully fathom. While it was natural that partisans on both sides should read God's hand in their own cause and invoke God's aid against their enemies, Lincoln showed how the better part of wisdom lies in acknowledging that there are mysterious purposes at work in the destinies of nations that transcend our powers of understanding even when it takes all the reason and sanity of those very powers to make such purposes out.

In urging such wisdom on his fellow countrymen, Lincoln was not so much addressing the relation between religion and society, much less the relation between church and state, as subsuming it. In Lincoln's thought, the central question for citizens as well as for states was not whether God was on their side but rather whether they were on his. To ask this question was at once to affirm religious freedom and to define its limits. If individuals must remain free of civil restraints in order to exercise their own judgment in matters of faith, both individuals and states, Lincoln believed, should nonetheless be judged by the faith they espoused. This prophetic way of perceiving the relation between religion, society, and the individual citizen tended, with only a few

exceptions, to expire with Lincoln himself. This is not to say that the terms and responsibilities of our First Amendment liberties have not been challenged and redefined at other moments in American history; only that the traditions in which they were first developed and articulated have not been so completely and powerfully fused as they were in Lincoln's rhetoric. But the terms themselves have been susceptible to criticism, modification, and revision ever since they were first formulated in the Bill of Rights, and they have been thrust into particularly sharp relief during much of the postwar era.

As but one instance of their modern prominence, consider how important First Amendment protections and provisions became during the national elections of 1960 when the United States contemplated the possibility of electing its first Roman Catholic President. Religious groups, and particularly evangelical Protestants, were made particularly uneasy at the thought of an American head of state whose first allegiance, religiously at least, was to the Pope. However, in a speech before a group of evangelical clergy in Dallas, President Kennedy, then Candidate Kennedy, discovered the appropriate words of reassurance. Reaching deep into the American tradition of separation between church and state, which President Kennedy interpreted as absolute, he expressed his commitment to an America that is officially neither Protestant, Catholic, nor Jewish—where no church body can impose its will on the general public but the general public regards an offense against one religious group as an offense against all; an America where no church official can tell his communicants how to vote but no American citizen can be denied public office because his religious beliefs fail to conform to those of his constituents; an America where religious intolerance is abolished and religious bloc voting becomes a thing of the past.

Yet twenty years later an American President was elected who could offer reassurance to another group of evangelical Christians by asserting that freedom of belief can only flourish in a state where religious values are served and enhanced, only in a state which acknowledges its responsibility both to safeguard religion and also to encourage it. Believing that the First Amendment never intended to wall religion off from the state but only to prohibit government from interfering with religion, President Reagan has repeatedly placed himself on the side of issues that he sees as preserving religious values and repudiating secular ones. He does so because he is convinced that religious values, or at least those to his liking, are the cornerstone of the American social, political, and economic system and that it would collapse without them. Thus in President Reagan's view, one risks separating church from state, religion from society, only at the peril of both. To President Reagan, public order and religious commitment are uniquely wedded in America, and for the most part, mutually reinforcing.

If these two Presidential positions are indicative of some of the great variety of opinion on the religious and political meaning of the First Amendment, and particularly of the way the Puritan and Republican traditions have contrived to shape its legacy of interpretation, perhaps the last word on the subject deserves to be spoken by a group that belonged, at least confessionally, to neither of these traditions but clearly enunciated the contribution that both have made to the American understanding of religious liberty. Writing a "letter of greeting" to George Washington on the eve of his visit to Newport, Rhode Island in 1790, the tiny Hebrew Congregation there, drawing on its own religious experience, gave vivid expression to the terms in which America's First Amendment guarantees have remained meaningful to most of her citizens:

> Deprived as we heretofore have been of the invaluable rights of free citizens, we now with a deep sense of gratitude to the Almighty Disposer of All Events behold a government erected by the majesty of the people, a government which to bigotry gives no sanction, to persecution no assistance, but generously affording to all liberty of conscience and immunities of citizenship... This so ample and extensive federal union, whose basis is philanthropy, mutual confidence, and public virtue, we cannot but acknowledge to be the work of the great God who ruleth in the armies of heaven and among the inhabitants of the earth, doing whatsoever seemeth him good.

If the faith which inspires this document now strikes us, in the light of subsequent history, as somewhat naive, if the liberties whose blessings it acknowledges now strike us as more precarious, still the convictions on which this letter is based are seen by most Americans as just as imperative now as they were then.

Chapter One

Church and State in Political Perspective: The Liberty Baptist College Debate

Reading 1: Senator Edward M. Kennedy

Liberty Baptist College Speech, Lynchburg, VA, October 3, 1983. Reproduced by permission of Edward M. Kennedy.

Senator Kennedy's address proceeds from the premise that we must respect the right to differ. This right is based upon individual freedom of belief which we seek to protect and enhance in our pluralistic society. Therefore Senator Kennedy finds no contradiction in the fact that he is a committed Roman Catholic and also a patriotic American. While he is prepared to believe, like most religious people, that truth is absolute, he is equally convinced, like many Americans, that no individual can claim an absolute monopoly on it. In his view, then, the bond that unites all Americans is individual freedom and mutual respect.

The specific question that Senator Kennedy seeks to address is the role of religion in government when history has shown that we can no longer maintain what Thomas Jefferson once called an absolute wall of separation between church and state. In light of subsequent experience, it has become clear that certain public issues, such as nuclear war or racial injustice, cannot be reserved to individual conscience alone but must be submitted to the conscience of the nation as a whole. In such circumstances as these, religious values and assumptions have a crucial role to play, but this means that we must rethink the whole constitutional understanding of the relationship between civil authority and ecclesiastical authority. In particular, we need to redefine the line that separates the imposition of religious will upon the public realm from the necessity for essential religious witness within the public realm. Senator Kennedy proposes four tests for determining this difference and thus for drawing that line: respect for the integrity of religion; respect for independent judgments of conscience; respect for the integrity of public debate, especially when applying religious values; and respect for the motives of responsible dissent.

From Liberty Baptist College Speech

. . . I have come here to discuss my beliefs about faith and country, tolerance and truth in America. I know we begin with certain disagreements and I strongly suspect at the end of the evening some of our disagreements will remain. But I also hope that tonight and in the months and years ahead we will always respect the right of others to differ, that we will never lose sight of our own fallibility and that we will view ourselves with a sense of perspective and a sense of humor. After all, in the New Testament even the disciples had to be taught to look first to the beam in their own eyes and only then to the moat in their neighbors' eyes. I am mindful of that counsel. I am an American and a Catholic. I love my country and treasure my faith. But I do not assume that my conception of patriotism or policy is invariably correct or that my convictions about religion should command any greater respect than any other faith in this pluralistic society. I believe there surely is such a thing as truth, but who among us can claim a monopoly on it? There are those who do and their own words testify to their intolerance. For example, because the Moral Majority has worked with members of different denominations one Fundamentalist group has denounced Dr. Falwell for hastening the ecumenical church and for yoking together with Roman Catholics, Mormons, and others. I am relieved that Dr. Falwell does not regard that as a sin and on this issue he himself has become the target of narrow prejudice. When people agree on public policy, they ought to be able to work together even while they worship in diverse ways. For truly we are all yoked together as Americans. And the yoke is the happy one of individual freedom and mutual respect. But in saying that, we cannot and should not turn aside from a deeper and more pressing question, which is whether and how religion should influence government.

A generation ago a Presidential candidate had to prove his independence of undue religious influence in public life. And he had to do so partly at the insistence of the Evangelical Protestants. John Kennedy said at that time, "I believe in an America where there is no religious block voting of any kind." Only twenty years later another candidate was appealing to an evangelical meeting as a religious block. Ronald Reagan said to 15,000 evangelicals at the Round Table in Dallas, "I know that you can't endorse me, I want you to know I endorse you and what you are doing." To many Americans that pledge was a sign and a symbol of a dangerous breakdown in the separation of church and state. Yet this principle, as vital as it is, is

not a simplistic and rigid command. Separation of church and state cannot be an absolute separation between moral principles and political power. The challenge today is to recall the origin of the principle, to define its purpose and refine its application to the politics of the present. The founders of our nation have long and bitter experience with the state as both the agent and the adversary of particular religious views. In colonial Maryland Catholics paid a double land tax. And in Pennsylvania they had to list their names on a public role, an ominous precursor to the first Nazi law against the Jews. And Jews in turn faced discrimination in all of the thirteen original colonies. Massachusetts exiled Roger Williams and his congregation for contending that civil government had no right to enforce the Ten Commandments. Virginia harrassed Baptist teachers and also established a religious test for public service, writing into the law that no Popish followers could hold any office. But during the Revolution Catholics, Jews, and Non-Conformists all rallied to the cause and fought valiantly for the American commonwealth, for John Winthrop's city upon a hill. Afterwards, when the Constitution was ratified and then amended, the framers gave freedom for all religion and from any established religion the very first place in the Bill of Rights. Indeed the framers themselves professed very different faiths. Washington was Episcopalian, Jefferson a Deist, and Adams, a Calvinist. And although he had earlier opposed toleration, John Adams later contributed to the building of Catholic churches and so did George Washington. Thomas Jefferson said his proudest achievement was not the Presidency, or the writing of The Declaration of Independence, but drafting the Virginia Statute of Religious Freedom. He stated the vision of the first Americans and the First Amendment very clearly. The God who gave us life gave us liberty at the same time. The separation of church and state can sometimes be frustrating for women and men of religious faith. They may be tempted to misuse government in order to impose a value which they cannot persuade others to accept. But once we succomb to that temptation we step onto a slippery slope where everyone's freedom is at risk. Those who favor censorship should recall that one of the first books ever burned was the first English translation of the Bible. As President Eisenhower warned in 1953, don't join the book burners. The right to say ideas, the right to record them, and the right to have them accessible to others is unquestioned or this isn't America. And if that right is denied at some future day, the torch can be turned against any other book or any other belief. Let us never forget today's Moral Majority could become tomorrow's persecuted minority. The danger is as great now as when the founders of the nation first saw it. In 1789 their fear was of factional strife among dozens of denominations. Today there are hundreds and perhaps even thousands of faiths and millions of Americans who are outside any fold. Pluralism obviously does not and cannot mean that all of them are right, but it does mean that there are areas where government cannot and should not decide what is wrong to believe, to think, to read, and to do. As professor Lawrence Tribe, one of the nation's leading Constitutional scholars has written, "Law is not theocratic in a non-theocratic state; it cannot measure religious truth, nor can the state impose it." The real transgression occurs when religion wants government to tell citizens how to live uniquely personal parts of their lives. The failure of prohibition proves the futility of such an attempt when a majority, or even a substantial minority happens to disagree. Some questions may be inherently individual ones, or people may be sharply divided about whether they are. In such cases, like prohibition and abortion, the proper role of religion is to appeal to the conscience of the individual, not the coercive power of the state. But there are other questions which are inherently public in nature which we must decide together as a nation and where religion and religious values can and should speak to our common conscience. The issue of nuclear war is a compelling example. It is a moral issue. It will be decided by government, not by each individual. And to give any effect to the moral values of their creed people of faith must speak directly about public policy. The Catholic bishops and the Reverend Billy Graham have every right to stand for the nuclear freeze and Dr. Falwell has every right to stand against it. There must be standards for the exercise of such leadership so that the obligations of belief will not be debased into an opportunity for mere political advantage. But to take a stand at all when a question is both properly public and truly moral, is to stand in a long and honored tradition. Many of the great evangelists of the 1800's were in the forefront of the Abolitionist Movement. In our own time the Reverend William Sloan Coffin challenged the morality in Vietnam. Pope John XXIII renewed the Gospel's call to social justice and Dr. Martin Luther King, Jr., who was the greatest prophet of this century, awakened our nation and its conscience to the evil of racial segregation. Their words have blessed our world. And who now wishes that they had been silent? Who would bid Pope John Paul to quiet his voice against the oppression in Eastern Europe, the violence in Central America or the crying needs of the landless, the hungry, and those who are tortured in so many of the dark political prisons of our time? President Kennedy who said that no religious body should seek to impose its will, also urged religious leaders to state their views and give their commitment when the public debate involved ethical issues. In drawing the line between the imposed will and essential witness we keep church and state separate and at the same time we recognize that the city of God should speak to the civic duties of men and women. There are four tests which draw that line and define the difference:

First: we must respect the integrity of religion itself. People of conscience should be careful how they deal in the word of their Lord. In our own history religion has been falsely invoked to sanction prejudice, even slavery, to condemn labor unions, and public spending for the poor. I believe that the

prophecy, "the poor you always have with you," is an indictment, not a commandment and I respectfully suggest that God has taken no position on the Department of Education and that a balanced budget constitutional amendment is a matter of economic analysis and not heavenly appeal. Religious values cannot be excluded from every public issue, but not every public issue involves religious values. And how ironic it is when those very values are denied in the name of religion. For example, we are sometimes told that it is wrong to feed the hungry, but that mission is an explicit mandate given to us in the 25th Chapter of Matthew.

Second: we must respect the independent judgments of conscience. Those who proclaim moral and religious values can offer counsel, but they should not casually treat a position on a public issue as a test of fealty to faith. Just as I disagree with the Catholic bishops on tuition tax credits which I oppose, so other Catholics can and do disagree with the hierarchy on the basis of honest conviction on the question of the nuclear freeze. Thus the controversy about the Moral Majority arises not only from its views but from its name which in the minds of many seems to imply that only one set of public policies is moral and only one majority can possibly be right. Similarly, people are and should be perplexed when the religious lobbying group, Christian Voice, publishes a morality index of Congressional voting records which judges the morality of Senators by their attitude toward Zimbabwe and Taiwan. Let me offer another illustration. Dr. Falwell has written and I quote, "To stand against Israel is to stand against God." Now there is no one in the Senate who has stood more firmly for Israel than I have, yet I do not doubt the faith of those on the other side. Their error is not one of religion, but of policy. And I hope to be able to persuade them that, that they are wrong in terms of both America's interest and the justice of Israel's cause. Respect for conscience is most in jeopardy and the harmony of our diverse society is most at risk when we reestablish directly or indirectly a religious test for public office. That relic of the Colonial era which is specifically prohibited in the Constitution, has reappeared in recent years. After the last election the Reverend James Robeson warned President Reagan not to surround himself, as Presidents before him have, with the counsel of the ungodly. I utterly reject any such standard for any position anywhere in public service. Two centuries ago the victims were Catholics and Jews, in the 1980's the victims could be atheists, in some other day or decade they could be the members of Thomas Road Baptist Church. Indeed in 1976 I regarded it as unworthy and unAmerican when some people said or hinted that Jimmy Carter should not be President because he was a born-again Christian. We must never judge the fitness of individuals to govern on the base of where they worship, whether they follow Christ or Moses, or whether they are called born-again or ungodly. Where it is right to apply moral values to public life, let all of us avoid the temptation to be self-righteous and absolutely certain of ourselves. And if that temptation ever comes, let us recall Winston Churchill's humbling description of an intolerant and inflexible colleague, "There but for the grace of God goes God."

Third: in applying religious values we must respect the integrity of public debate. In that debate faith is no substitute for facts. Critics may oppose the nuclear freeze for what they regard as moral reasons. They have every right to argue that any negotiation with the Soviets is wrong, or that any accommodation with them sanctions their crimes, or that no agreement can be good enough and therefore all agreements only increase the chance of war. I do not believe that, but it surely does not violate the standard of fair public debate to say it. What does violate that standard, what the opponents of the nuclear freeze have no right to do, is to assume that they are infallible, and so any argument against the freeze will do whether it is false or true. The nuclear freeze proposal is not unilateral, but bilateral, with equal restraints on the United States and the Soviet Union. The nuclear freeze does not require that we trust the Russians, but demands full and effective verification. The nuclear freeze does not concede a Soviet lead in nuclear weapons, but recognizes that human beings in each great power already have in their fallible hands the overwhelming capacity to remake into a pile of radioactive rubble the earth which God has made. There is no morality in the mushroom cloud. The black rain of nuclear ashes will fall alike on the just and the unjust and then it will be too late to wish that we had done the real work of this atomic age which is to seek a world that is neither red nor dead. I am perfectly prepared to debate the nuclear freeze on policy grounds, or moral ones, but we should not be forced to discuss phantom issues or false charges. They only deflect us from the urgent task of deciding how best to prevent a planet divided from becoming a planet destroyed. And it does not advance the debate to contend that the arms race is more divine punishment than human problem, or that in any event the final days are near. As Pope John said two decades ago at the opening of the Second Vatican Council, we must beware of those who burn with zeal, but are not endowed with much sense. We must disagree with the prophets of doom who are always forecasting disasters as though the end of the earth was at hand. The message which echoes across the years is very clear. The earth is still here and if we wish to keep it, a prophecy of doom is no alternative to a policy of arms control.

Fourth, and finally, we must respect the motives of those who exercise their right to disagree. We sorely test our ability to live together if we readily question each other's integrity. It may be harder to restrain our feelings when moral principles are at stake for they go to the deepest wellsprings of our being but the more our feelings diverge, the more deeply felt they are. The greater is our obligation to grant the sincerity and essential decency of our fellow citizens on the other side. Those who favor ERA are not anti-family, nor blasphemers

and their purpose is not an attack on the Bible, rather we believe this is the best way to fix in our national firmament the ideal that not only all men but all people are created equal. Indeed my mother, who strongly favors ERA, would be surprised to hear that she is anti-family. For my part I think of the amendment's opponents as wrong on the issue, but not lacking in moral character. I could multiply the instances of name calling sometimes on both sides. Dr. Falwell is not a warmonger and liberal clergymen are not as the Moral Majority suggested in a recent letter, equivalent to Soviet sympathizers. The critics of official prayer in public schools are not Pharisees. Many of them are both Civil Libertarians and believers who think that families should pray more at home with their children and attend church and synagog more faithfully. And people are not sexist because they stand against abortion, and they are not murderers because they believe in free choice. Nor does it help anyone's cause to sound such epithets or to try to shout a speaker down which is what happened last April when Dr. Falwell was hissed and heckled at Harvard. So I'm doubly grateful for your courtesy here this evening. That was not Harvard's finest hour, but I'm happy to say that the loudest applause from the Harvard audience came in defense of Dr. Fallwell's right to speak. In short, I hope for an America where neither Fundamentalists nor Humanists will be a dirty word, but a fair description of the different ways in which people of good will look at life and into their own souls. I hope for an America where no President, no public official, no individual will ever be deemed a greater or lesser American because of religious doubt or religious belief. I hope for an America where the power of faith will always burn brightly, but where no modern Inquisition of any kind will ever light the fires of fear, coercion, or angry division. I hope for an America where we can all contend freely and vigorously, but where we will treasure and guard those standards of civility which alone make this nation safe for both Democracy and diversity. Twenty years ago this fall in New York City, President Kennedy met for the last time with a Protestant assembly. The atmosphere had been transformed since his earlier address during the 1960 campaign to the Houston Ministerial Association. He had spoken there to allay suspicions about his Catholicism and to answer those who claimed that on the day of his Baptism he was somehow disqualified from becoming President. His speech in Houston and then his election drove that prejudice from the center of our national life. Now, three years later in November of 1963 he was appearing before the Protestant Council of New York City to reaffirm what he regarded as some fundamental truths. On that occasion John Kennedy said, "The family of man is not limited to a single race or religion, to a single city or country. The family of man is nearly three billion strong; most of its members are not white, and most of them are not Christian." And as President Kennedy reflected on that reality he restated an idea for which he had lived his life, that the members of this family should be at peace with one another. That ideal shines across all the generations of our history and all the ages of our faith carrying with it the most ancient dream, for as the Apostle Paul wrote long ago in Romans, "If it be possible, as much as it lieth in you, live peaceably with all men." I believe it is possible. The choice lies within us. As fellow citizens let us live peaceably with each other; as fellow human beings let us strive to live peaceably with men and women everywhere. Let that be our purpose and our prayer, yours and mine, for ourselves, for our country, and for

Reading 2: Representative Jack Kemp

Jack Kemp, Liberty Baptist College Speech, Lynchburg, VA, November 1, 1983. Reproduced by permission of Jack Kemp.

Representative Kemp agrees with Senator Kennedy that respect for truth is the cornerstone of religious tolerance, but takes issue with the view that the application of religious beliefs and values should be restricted to some issues and not to others. According to Representative Kemp, the Biblical injunction about rendering unto Caesar the things that are Caesar's and unto God the things that are God's can only mean that politics claims a restricted sphere of experience whereas religion claims all of life. Finding confirmation of this belief in the Declaration of Independence's assertion that all rights come from God, Representative Kemp is prepared to support Senator Kennedy on the necessity to protect the opinions of minorities but differs with him as to how and where to draw the line between the legal expression of religious belief in politics and the unlawful interference of religion within politics.

Representative Kemp argues that the United States Constitution establishes freedom for religion, not freedom from religion; that while it prohibits discrimination on the basis of religion, it also prohibits discrimination against religion. In his view, we are now faced in America with instances where, as in the controversy over abortion, equal protection under the law is being denied to

individuals because of their religious belief, and this represents a threat to values central to the whole Judaic-Christian heritage. Since Representative Kemp believes that the strength of America itself depends upon the maintenance of such values, he insists, against President John Kennedy's warning but, so he feels, with the consent of Martin Luther King, that only when Americans return to bloc voting along religious and moral lines will they be able to preserve that heritage that distinguishes them as Americans.

Much of the difference between Senator Kennedy and Representative Kemp on this question, as between liberal and conservative, is summarized by the way Representative Kemp concludes. It is his belief, shared not only by individuals like Martin Luther King and Jerry Falwell but most emphatically by Senator Kennedy as well, that democracy must be founded on a moral base, that freedom is impossible without faith. But from this he concludes, as Jerry Falwell also would but Senator Kennedy and Martin Luther King would not, or at least not in the same way, that the toleration of sectarian differences depends upon recognition of the moral truth that tolerance is possible only because it is given to some, as St. John's Gospel puts it, to "know the truth, and the truth shall make you free."

From Liberty Baptist College Speech.

* * *

G. K. Chesterton once described the attitude of all the great Christian heroes as "a paradox of great humility in the matter of their sins combined with great ferocity in the matter of their ideas." And I think this is the spirit we must have. We must dispel the delusion—whether it is held by ourselves or by others—that by talking about religious truth we set ourselves up as the standard for judging others. Only God can establish the standard, against which all of us fall short. But while we must strive towards it, our falling short must not prevent us from insisting on that standard—in the field of politics or anywhere else.

Last month Senator Edward Kennedy addressed you on the subject of "tolerance and truth." Much of what he said is valuable, and I commend him for saying it. To defend the truth while defending the right of others to disagree is the very essence of what it means to be an American. The Founding Fathers were firmly convinced of John Locke's argument for religious tolerance: "The care of souls cannot belong to the civil magistrate," Locke wrote, "because his power consists only in outward force; but true and saving religion consists in the inward persuasion of the mind, without which nothing can be acceptable to God." This heritage transcends political divisions between liberals and conservatives.

But Senator Kennedy left the distinct impression that there is some kind of tradeoff between religious truth and religious tolerance. He said, if I read him correctly, that there are even some areas of politics where religious values do not apply. But this is far from what the Founding Fathers intended. John Locke's argument for religious tolerance does not minimize differences about religious truth: the possibility of persuasion depends on them.

Leaving aside for a moment what "separation of church and state" means, it is clear what it cannot mean. It cannot mean that there is a separation of religious truth from politics, or that there can be a political part of our life which is sealed from the spiritual part of our life. Everything in the Jewish and Christian faiths, and the basic laws of the United States, rejects this idea. The law of Moses covers every aspect of life. And Jesus tells his disciples to be the salt, the yeast, and the light of the world. Does salt season only part of a broth? Does yeast leaven only part of the dough? Does light penetrate only part of the darkness?

Nowhere did Jesus make this more clear than when he spoke of "rendering unto Caesar." Jesus was asked whether it was lawful to pay tribute to Rome. His response was curious: he asked whose image was on the tribute coin. The lawyers answered, "Caesar's." Jesus replied, "Render therefore unto Caesar the things that are Caesar's, and unto God the things that are God's." What he did not have to spell out—because it was obvious to his audience—was that while Caesar's image is stamped on each coin, God's image is stamped on each child of God. Far from dividing life into a spiritual and a political realm, I think Jesus was saying that while civil government rightly claims a part of our life, God rightfully claims *all* of it.

When Christ was hauled before Pontius Pilate, Pilate said, "Don't you know that I have the authority to condemn you?" Jesus replied, "You have no authority except that which has been given you from above."

The laws of the United States are also based on the idea that the government has no authority except that which has been given from above—and delegated by the people. "The God who gave us life gave us liberty at the same time," wrote Thomas Jefferson. This is not some temporary intellectual fashion from two hundred years ago. Only recently, in speaking of Poland's trade union "Solidarity," the Pope said "the right to free association" is "given by the creator who made man a social being." The Declaration of Independence expands this idea into a philosophy of government:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among

> these are Life, Liberty and the Pursuit of Happiness.–That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.

These self-evident truths are the basis for all of our civil rights and human freedoms. If there is no Creator, or if we cannot recognize Him without violating the separation of church and state, then there is no ground on which to base the separation of church and state.

The First Amendment prohibits Congress from establishing any official religion and from interfering with freedom of worship. Thomas Jefferson once wrote that this erects a "wall of separation between church and state." But Justice William O. Douglas wrote that "The First Amendment does not say that in every way and in all respects there shall be a separation of church and state." In what way is there, and in what way is there not, such a separation?

The answer is clear from the very same sentence of Jefferson. He says the separation of church and state is based on the belief "that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, [and] that the legislative powers of government reach *actions only*, and not opinion."

In other words, we have the right to absolute freedom of belief, and absolute freedom of worship, but not always the right to absolute freedom of action if it abuses the civil rights of others. For example, murder, theft, polygamy and tax evasion are all against the Constitution and punishable by law, even if they are motivated by sincere religious belief. Why? Because the rights of others are guaranteed by the same self-evident truths which guarantee freedom of religion. In this sense, there can be an absolute separation of religion and politics only if there is also an absolute separation between faith and action. By the same token, the laws of our land do not violate the separation of church and state, even though they presuppose a Supreme Being and coincide with most of the Ten Commandments. Self-evident truths are not always evident to everyone. But this does not stop them from being true–or from being the basis of our laws.

But if we believe that these self-evident truths are universal–that they apply at all times and to all people–can we fail to apply them to ourselves? According to the Declaration of Independence, the fact that "all men are created equal" means not one but two things. All human beings have the same human rights; but all citizens also have an equal voice in government. This places an extra burden on those who think they know what is right–to do what is right *in the right way*. Unfortunately, decisions made by a proper democratic majority are not invariably right. But those who insist on their equal rights do not always respect the equal right of others to participate in the decision. This means, in a sense, that the Founding of our government is never finished: each generation must try to bring the democratic law of the land into line with the "law of Nature and of Nature's God."

This is where we face the real test of our religious and political convictions. It is easy to be tolerant when we think the other person may be right; but tolerance is called for precisely when we are convinced that he is utterly wrong; and that given the force of law his wrong opinion may be causing great injustice and suffering to the innocent. Under these circumstances, the difficult process of mobilizing public opinion on the right side seems even longer than usual. It is frustrating to change unjust laws in a lawful way. But it is hard only because it is right. There are few greater tests of loving our neighbor than the working of democratic government.

The lesson for conservatives is that to be true to our religious beliefs we must become politically more inclusive. A true commitment to the principles of American government means that the party in power must be the government of *all* the people–including the people who voted against it. The Declaration of Independence says that, to the degree the rights of the minority are not protected, the government cannot have "just powers." This means that the principle of the Good Shepherd is as necessary in government as in daily life: if we are all to move ahead, we can't leave anyone behind.

Where our actions affect others, religion and politics not only may but must often intersect. But we have to recognize that this is very much a two-edged sword. In government, as in our personal lives, the power to make the right choice is also the power to make the wrong choice. This does not mean we can avoid choosing. But it does mean we must be as jealous of the rights of others as of our own.

Senator Kennedy argued–and I agree with him–that there are some kinds of action, dealing with "uniquely personal parts of our lives," in which government has no right to interfere. On such issues, he said, religion may only appeal to the individual conscience, not to the coercive power of the law. Unfortunately, he did not tell us how to draw the line; and to judge by the examples he gave, I think he has drawn the line wrongly. The examples he gave of "uniquely personal" issues were prohibition and abortion. I think he may be right about prohibition–because it involves the rights of only one person–but wrong about abortion–because the rights of two people are involved.

Only a few paragraphs later, Senator Kennedy reminded us that religion has been abused even to justify slavery. Yet he does not seem at all troubled that the argument used to justify abortion is the same argument which was used to justify slavery. The slave-owners argued that the slaves were their property, guaranteed by the Constitution. Those who favor abortion say that the Constitution guarantees their liberty, which is the right to the property of their own bodies. But in both cases, the rights of another person are also involved; and those who favor abortion, like those who favored slavery, must deny that the other person is a human being.

Alexis de Tocqueville wrote that, despite the separation of church and state in America, religion is the first of all political institutions here. What he meant was that our sharing the Judeo-Christian world view was the basis for the confidence of the minority in the decisions of the majority. But many of our political debates today result from the breaking down of this Judeo-Christian consensus. Many Americans no longer recognize the self-evident nature of the truths on which our country was founded. For them, the final authority of the law is no longer, as Francis Schaeffer puts it, "the infinite-personal God Who is there objectively whether we think He is there or not," and to Whom "not everything is the same."

For those who do not believe in this higher law, the only basis for our human laws is expedience or the will of the majority. When this happens, the original intent of the Constitution can be shifted by 180 degrees. As I pointed out earlier, rather than talking about "separation of church and state," it is more accurate to say that the First Amendment prohibits discrimination on the basis of religion. The Constitution establishes freedom *for* religion, not from it. But the First Amendment has lately been interpreted in such a way as to deny the equal protection of the laws to those who believe in God.

Many of these issues involve our schools. For example, children are permitted to form a club on school grounds to study Marxism, but not a club on school grounds to study the Bible. Students are permitted to distribute counterculture newspapers at school, but the Gideon Society is prohibited from distributing free Bibles. A Massachusetts school board is prevented from removing a book from the school library [which contains] vulgar and offensive language—but the Supreme Court orders copies of the Ten Commandments removed from Kentucky classrooms. In that decision, the majority of the Supreme Court wrote that, "If the posted copies of the Ten Commandments are to have any effect at all, it will be to induce the school children to read, meditate upon, perhaps to venerate and obey, the Commandments." Yet the same Ten Commandments hang in the U.S. Supreme Court, apparently without ill effect.

Senator Kennedy seemed to say that to oppose such court decisions means that those who believe in God are trying to "impose their will" on others. I disagree. I think these are clear cases of equal protection of the law being denied on the basis of religious belief.

A court in New Jersey has ruled that children may not even observe a minute of silence at the beginning of the school day. Not just freedom of speech, but freedom of silence, is now suspect. This reminds me of the fussy parent who suddenly thinks it's too quiet and shouts: "Hey, you kids: whatever you're doing, cut it out!"

It is instructive to see how Jefferson himself dealt with the problem of religious non-discrimination in public schools. When he founded the public University of Virginia, Jefferson established no school of theology, but he invited all religious sects who so desired to establish their own schools of religious instruction on campus, and offered free use of the campus facilities to their students. And he published regulations which said, "the students of the University will be *free and expected* to attend religious worship at the establishments of their respected sects, in the morning, and in time to meet their school in the University at the stated hour." Yet Jefferson's name is misappropriated to oppose exactly such non-discriminatory measures today.

What about those issues where Senator Kennedy feels religion has nothing to say? "I respectfully suggest that God has taken no position on the Department of Education," he told you, "and that a balanced budget constitutional amendment is a matter for economic analysis, not heavenly appeals. Religious values cannot be excluded from every public issue—but not every public issue involves religious values."

This is too neat, because it begs the question. Do Christians and Jews in public life face exactly the same choices as other citizens—or do they have a larger task? I think they have a larger task. We must be cautious in claiming that God is on our side; but we must never stop asking ourselves whether we are on God's side. The faithful must master their field of politics or economics or law or business or education. But in addition, they must suffuse those views with a Christian or Jewish perspective. No field of human endeavor can be unaffected by the knowledge that God is there, and that not all is the same to Him; that there is right and wrong.

* * *

The efforts of those who cherish our Judeo-Christian heritage made an enormous difference in 1980. And they can do so again in 1984. Senator Kennedy quoted his brother, President John Kennedy, as saying, "I believe in an America where there is no (religious) bloc voting of any kind." While I admire and respect President Kennedy, and while this is a fine sentiment in the abstract, I hope that I never live to see such an America. Because when Americans stop voting on the basis of their spiritual heritage, they will have lost part of that which distinguishes them as Americans.

Tomorrow, President Reagan will sign into law a bill which passed Congress overwhelmingly, making Reverend Martin Luther King Jr.'s birthday a national holiday. I supported that bill, and I'll probably be there at the signing ceremony. Dr. King did not think that personal religious beliefs have nothing to do with the public good. He was not content with the abstract statement of the truth that all men are created equal. He believed that abridgements of the civil rights of Americans which conflict with this truth must be eliminated. His life was dedicated to the idea that the reality of daily life as well as our ideals should reflect the equality and brotherhood of all people.

Martin Luther King and Jerry Falwell would disagree on many issues of public policy. But surely on this central idea they are united, as all Americans should be: Democracy without morality, or freedom without faith, is impossible. This belief is, so to speak, the tiny mustard seed out of which the great tree of democratic liberty took root and has its being.

Let us learn to be tolerant of sectarian differences. But let us never forget the moral truth that makes all tolerance possible. For as it is written in the book of John the Evangelist: "You shall know the truth, and the truth shall make you free."

Blessed indeed is the nation whose God is the Lord.

Thank you, and God bless you.

Questions for Discussion

1. Are the differences between the positions expressed by Senator Kennedy and Representative Kemp indicative of all the ways that liberals and conservatives are generally assumed to split on these issues?

2. If they are not, then what are some of the other ways that liberals and conservatives are traditionally supposed to divide over such questions?

3. Are the positions expressed by Senator Kennedy and Representative Kemp fully comprehensible within political terms, or do they require interpretation as well in other contexts—moral, social, philosophical, theological?

4. Is there any way of reconciling Senator Kennedy's assertion that religion contains within itself the principle by which to restrict its place in the public realm with Representative Kemp's assertion that religion in the West, or at least Christianity, is founded on a principle which legitimates its intrusion into the whole of the public realm?

5. In what ways do Senator Kennedy's and Representative Kemp's positions epitomize presumed differences between their respective confessional traditions—Roman Catholicism and evangelical Protestantism—and in what sense do they not?

Chapter Two

Church and State in Legal Perspective

Reading 3: *West Virginia State Board of Education v. Barnette* (1943)

In 1940 in the Gobitis case, the Supreme Court ruled in favor of saluting the American flag in public schools. The chief grounds for this decision stemmed from the belief, expressed by a majority of the justices, that the state was acting only to strengthen its own institutions without endangering anyone's particular religious beliefs. This controversial ruling was then reviewed and overturned in 1943 in the present case where Justice Jackson, delivering the opinion of the Court, argued that the Gobitis decision invaded that sphere of intellectual and spiritual choice which it remains the purpose of the First Amendment to protect from officially disciplined uniformity, and Justice Frankfurter, in his dissent, insisted to the contrary that it did not.

What is fascinating about this case is that the principle on which Justice Frankfurter's dissent was based did not conflict with the principle on which Justice Jackson's majority opinion was grounded, and both opinions appealed to many of the same values. The argument in these two opinions is nothing if not eloquent; and the differences between them are highly instructive about the alternative constrictions one can place on essentially the same rule of law. Under the circumstances, Justice Frankfurter's dissent is particularly interesting because, though a member of an oft-times persecuted religious minority, he is compelled to defend the view that "the validity of such laws cannot be measured by their conformity to religious doctrines."

From 319 U.S. 624.

MR. JUSTICE JACKSON DELIVERED
THE OPINION OF THE COURT

The Gobitis decision . . . assumed, as did the argument in that case and in this, that power exists in the State to impose the flag salute discipline upon school children in general. The Court only examined and rejected a claim based on religious beliefs of immunity from an unquestioned general rule. The question which underlies the flag salute controversy is whether such a ceremony so touching matters of opinion and political attitude may be imposed upon the individual by official authority under powers committed to any political organization under our Constitution. We examine rather than assume existence of this power and, against this broader definition of issues in this case, re-examine specific grounds assigned for the Gobitis decision.

1. It was said that the flag-salute controversy confronted the Court with "the problem which Lincoln cast in memorable dilemma: 'Must a government of necessity be too strong for the liberties of its people, or too weak to maintain its own existence?'" and that the answer must be in favor of strength.

We think these issues may be examined free of pressure or restraint growing out of such considerations.

It may be doubted whether Mr. Lincoln would have thought that the strength of government to maintain itself would be impressively vindicated by our confirming power of the state to expel a handful of children from school. Such oversimplification, so handy in political debate, often lacks the precision necessary to postulates of judicial reasoning. If validly applied to this problem, the utterance cited would resolve every issue of power in favor of those in authority and would require us to override every liberty thought to weaken or delay execution of their policies.

Government of limited power need not be anemic government. Assurance that rights are secure tends to diminish fear and jealousy of strong government, and by making us feel safe to live under it makes for its better support. Without promise of a limiting Bill of Rights it is doubtful if our Constitution could have mustered enough strength to enable its ratification. To enforce those rights today is not to choose weak government over strong government. It is only to adhere as a means of strength to individual freedom of mind in preference to officially disciplined uniformity for which history indicates a disappointing and disastrous end.

The subject now before us exemplifies this principle. Free public education, if faithful to the ideal of secular instruction and political neutrality, will not be partisan or enemy of any class, creed, party, or faction. If it is to impose any ideological discipline, however, each party or denomination must seek to control, or failing that, to weaken the influence of the educational system. Observance of the limitations of the Constitution will not weaken government in the field appropriate for its exercise.

2. It was also considered in the Gobitis case that functions of educational officers in states, counties, and school districts were such that to interfere with their authority "would in effect make us the school board for the country."

The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures – Boards of Education not excepted. These have, of

course, important, delicate, and highly discretionary functions, but none that they may not perform within the limits of the Bill of Rights. That they are educating the young for citizenship is reason for scrupulous protection of Constitutional Freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes.

3. The Gobitis opinion reasoned that this is a field "where courts possess no marked and certainly no controlling competence," that it is committed to the legislatures as well as the courts to guard cherished liberties and that it is constitutionally appropriate to "fight out the wise use of legislative authority in the form of public opinion and before legislative assemblies rather than to transfer such a contest to the judicial arena," since all the "effective means of inducing political changes are left free."

The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.

4. Lastly, and this is the very heart of the Gobitis opinion, it reasons that "National unity is the basis of national security," that the authorities have "the right to select appropriate means for its attainment," and hence reaches the conclusion that such compulsory measures toward "national unity" are constitutional. Upon the verity of this assumption depends our answer in this case.

National unity as an end which officials may foster by persuasion and example is not in question. The problem is whether under our Constitution compulsion as here employed is a permissible means for its achievement.

Struggle to coerce uniformity of sentiment in support of some end thought essential to their time and country have been waged by many good as well as by evil men. Nationalism is a relatively recent phenomenon but at other times and places the ends have been racial or territorial security, support of a dynasty or regime, and particular plans for saving souls. As first and moderate methods to attain unity have failed, those bent on its accomplishment must resort to an ever increasing severity. . . .

It seems trite but necessary to say that the First Amendment to our Constitution was designed to avoid these ends by avoiding these beginnings. There is no mysticism in the American concept of the State or of the nature or origin of its authority. We set up government by consent of the governed, and the Bill of Rights denies those in power any legal opportunity to coerce that consent. Authority here is to be controlled by public opinion, not public opinion by authority.

The case is made difficult not because the principles of its decision are obscure but because the flag involved is our own. Nevertheless, we apply the limitations of the Constitution with no fear that freedom to be intellectually and spiritually diverse or even contrary will disintegrate the social organization. To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds. We can have intellectual individualism and the rich cultural diversities that we owe to exceptional minds only at the price of occasional eccentricity and abnormal attitudes. When they are so harmless to others or to the State as those we deal with here, the price is not too great. But freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order.

If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.

We think the action of the local authorities in compelling the flag salute and pledge transcends constitutional limitations on their power and invades the sphere of intellect and spirit which it is the purpose of the First Amendment to our Constitution to reserve from all official control.

The decision of this Court in *Minersville School District v. Gobitis* and the holdings of those few per curiam decisions which preceded and foreshadowed it are overruled, and the judgment enjoining enforcement of the West Virginia Regulation is affirmed.

Mr. Justice Roberts and Mr. Justice Reed adhere to the views expressed by the Court in *Minersville School District v. Gobitis* and are of the opinion that the judgment below should be reversed.

* * *

MR. JUSTICE FRANKFURTER, DISSENTING.

One who belongs to the most vilified and persecuted minority in history is not likely to be insensible to the freedoms guaranteed by our Constitution. Were my purely personal attitude relevant I should whole-heartedly associate myself with the general libertarian views in the Court's opinion, representing as they do the thought and action of a lifetime. But as judges we are neither Jew nor Gentile, neither Catholic nor agnostic. We owe equal attachment to the Constitution and are equally bound by our judicial obligations whether we derive our citizenship from the earliest or the latest immigrants to these shores. As a member of this Court I am not justified in writing my private notions of policy into the

Constitution, no matter how deeply I may cherish them or how mischievous I may deem their disregard. The duty of a judge who must decide which of two claims before the Court shall prevail, that of a State to enact and enforce laws within its general competence or that of an individual to refuse obedience because of the demands of his conscience, is not that of the ordinary person. It can never be emphasized too much that one's own opinion about the wisdom or evil of a law should be excluded altogether when one is doing one's duty on the bench. The only opinion of our own even looking in that direction that is material is our opinion whether legislators could in reason have enacted such a law. In the light of all the circumstances, including the history of this question in this Court, it would require more daring than I possess to deny that reasonable legislators could have taken the action which is before us for review. Most unwillingly, therefore, I must differ from my brethren with regard to legislation like this. I cannot bring my mind to believe that the "liberty" secured by the Due Process Clause gives this Court authority to deny to the State of West Virginia the attainment of that which we all recognize as a legitimate legislative end, namely, the promotion of good citizenship, by employment of the means here chosen.

* * *

We are not reviewing merely the action of a local school board. The flag salute requirement in this case comes before us with the full authority of the State of West Virginia. We are in face passing judgment on the power of the State as a whole. Practically we are passing upon the political power of each of the forty-eight states. Moreover, since the First Amendment has been read into the Fourteenth, our problem is precisely the same as it would be if we had before us an Act of Congress for the District of Columbia. To suggest that we are here concerned with the heedless action of some village tyrants is to distort the augustness of the Constitutional issue and the reach of the consequences of our decision.

Under our constitutional system the legislature is charged solely with civil concerns of society. If the avowed or intrinsic legislative purpose is either to promote or to discourage some religious community or creed, it is clearly within the constitutional restrictions imposed on legislatures and cannot stand. But it by no means follows that legislative power is wanting whenever a general nondiscriminatory civil regulation in fact touches conscientious scruples or religious beliefs of an individual or a group. Regard for such scruples or beliefs undoubtedly presents one of the most reasonable claims for the exertion of legislative accommodation. It is, of course, beyond our power to rewrite the state's requirement, by providing exemptions for those who do not wish to participate in the flag salute or by making some other accommodations to meet their scruples. That wisdom might suggest the making of such accommodations and that the school administration would not find it too difficult to make them and yet maintain the ceremony for those not refusing to conform, is outside our province to suggest. Tact, respect, and generosity toward variant views will always commend themselves to those charged with the duties of legislation so as to achieve a maximum of good will and to require a minimum of unwilling submission to a general law. But the real question is who is to make such accommodations, the courts or the legislature?

This is no dry, technical matter. It cuts deep into one's conception of the democratic process—it concerns no less the practical differences between the means for making these accommodations that are open to courts and to legislatures. A court can only strike down. It can only say "This or that law is void." It cannot modify or qualify, it cannot make exceptions to a general requirement. And it strikes down not merely for a day. At least the finding of unconstitutionality ought not to have ephemeral significance unless the Constitution is to be reduced to the fugitive importance of mere legislation. When we are dealing with the Constitution of the United States, and more particularly with the great safeguards of the Bill of Rights, we are dealing with principles of liberty and justice "so rooted in the traditions and conscience of our people as to be ranked as fundamental"—something without which "a fair and enlightened system of justice would be impossible." If the function of this Court is to be essentially no different from that of a legislature, if the considerations governing constitutional construction are to be substantially those that underlie legislation, then indeed judges should not have life tenure and they should be made directly responsible to the electorate. There have been many but unsuccessful proposals in the last sixty years to amend the Constitution to that end.

Conscientious scruples, all would admit, cannot stand against every legislative compulsion to do positive acts in conflict with such scruples. We have been told that such compulsions override religious scruples only as to major concerns of the state. But the determination of what is major and what is minor itself raises questions of policy. For the way in which men equally guided by reason appraise importance goes to the very heart of policy. Judges should be very diffident in setting their judgment against that of a state in determining what is and what is not a major concern, what means are appropriate to proper ends, and what is the total social cost in striking the balance of imponderables.

What one can say with assurance is that the history out of which grew constitutional provisions for religious equality, and the writings of the great exponents of religious freedom—Jefferson, Madison, John Adams, Benjamin Franklin—are totally wanting in justification for a claim by dissidents of exceptional immunity from civic measures of general applicability, measures not in fact disguised assaults upon such dissident views. The great leaders of the American Revolution were determined to remove political support from every religious establishment. They put on an equality the different

religious sects—Episcopalians, Presbyterians, Catholics, Baptists, Methodists, Quakers, Huguenots,—which as dissenters, had been under the heel of the various orthodoxies that prevailed in different colonies. So far as the state was concerned, there was to be neither orthodoxy nor heterodoxy. And so Jefferson and those who followed him wrote guaranties of religious freedom into our constitutions. Religious minorities as well as religious majorities were to be equal in the eyes of the political state. But Jefferson and the others also knew that minorities may disrupt society. It never would have occurred to them to write into the Constitution the subordination of the general civil authority of the state to sectarian scruples.

The constitutional protection of religious freedom terminated disabilities, it did not create new privileges. It gave religious equality, not civil immunity. Its essence is freedom from conformity to religious dogma, not freedom from conformity to law because of religious dogma. Religious loyalties may be exercised without hindrance from the state, not the state may not exercise that which except by leave of religious loyalties is within the domain of temporal power. Otherwise each individual could set up his own censor against obedience to laws conscientiously deemed for the public good by those whose business it is to make laws.

The prohibition against any religious establishment by the government placed denominations on an equal footing—it assured freedom from support by the government to any mode of worship and the freedom of individuals to support any mode of worship. Any person may therefore believe or disbelieve what he pleases. He may practice what he will in his own house of worship or publicly within the limits of public order. But the lawmaking authority is not circumscribed by the variety of religious beliefs, otherwise the constitutional guaranty would be not a protection of the free exercise of religion but a denial of the exercise of legislation.

The essence of the religious freedom guaranteed by our Constitution is therefore this: no religion shall either receive the state's support or incur its hostility. Religion is outside the sphere of political government. This does not mean that all matters on which religious organizations or beliefs may pronounce are outside the sphere of government. Were this so, instead of the separation of church and state, there would be the subordination of the state on any matter deemed within the sovereignty of the religious conscience. Much that is the concern of temporal authority affects the spiritual interests of men. But it is not enough to strike down a non-discriminatory law that it may hurt or offend some dissident view. It would be too easy to cite numerous prohibitions and injunctions to which laws run counter if the variant interpretations of the Bible were made the tests of the obedience to law. The validity of secular laws cannot be measured by their conformity to religious doctrines. It is only in a theocratic state that ecclesiastical doctrines measure legal right or wrong.

An act compelling profession of allegiance to a religion, no matter how subtly or tenuously promoted, is bad. But an act promoting good citizenship and national allegiance is within the domain of governmental authority and is therefore to be judged by the same considerations of power and of constitutionality as those involved in the many claims of immunity from civil obedience because of religious scruples.

That claims are pressed on behalf of sincere religious convictions does not of itself establish their constitutional validity. Nor does waving the banner of religious freedom relieve us from examining the power we are asked to deny the states. Otherwise the doctrine of separation of church and state, so cardinal in the history of this nation and for the liberty of our people, would mean not the disestablishment of a state church but the establishment of all churches and of all religious groups.

The subjection of dissidents to the general requirement of saluting the flag, as a measure conducive to the training of children in good citizenship, is very far from being the first instance of exacting obedience to general laws that have offended deep religious scruples. Compulsory vaccination, compulsory medical treatment, these are but illustrations of conduct that has often been compelled in the enforcement of legislation of general applicability even though the religious consciences of particular individuals rebelled at the exaction.

Law is concerned with external behavior and not with the inner life of man. It rests in large measure upon compulsion. Socrates lives in history partly because he gave his life for the conviction that duty of obedience to secular law does not pre-suppose consent to its enactment or belief in its virtue. The consent upon which free government rests is the consent that comes from sharing in the process of making and unmaking laws. The state is not shut out from a domain because the individual conscience may deny the state's claim. The individual conscience may profess what faith it chooses. It may affirm and promote that faith—in the language of the Constitution, it may "exercise" it freely—but it cannot thereby restrict community action through political organs in matters of community concern, so long as the action is not asserted in a discriminatory way either openly or by stealth. One may have the right to practice one's religion and at the same time owe the duty of formal obedience to laws that run counter to one's beliefs. Compelling belief implies denial of opportunity to combat it and to assert dissident views. Such compulsion is one thing. Quite another matter is submission to conformity of action while denying its wisdom or virtue and with ample opportunity for seeking its change or abrogation.

Reading 4: *Everson v. Board of Education* (1947)

In this landmark case the Supreme Court considered the practice of reimbursing the parents of parochial school children for the expense of transporting their children to school on public conveyances. The majority opinion, delivered by Justice Black, centered around the principle that if the First Amendment forbids the state from favoring religions, it also acts as a guarantee that the state will not serve to handicap them. Justice Black's opinion is firmly on the side of maintaining the wall of separation between church and state but does not view the practice of state-supported busing of parochial school children as a breach of that wall.

In his dissenting opinion Justice Jackson points out that the Court is trying to have it both ways. The Court acts as though religion were an affair of individual choice and conscience when it moves to protect it from even indirect state intervention, but then the Court behaves as though religion were a public matter when it feels free to tax some citizens to aid the religious education of others. Justice Jackson puts his own position admirably when he writes that "the great purposes of the Constitution do not depend on the approval or convenience of those they restrain."

From 330 U.S. 1.

* * *

The "establishment of religion" clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between Church and State."

We must consider the New Jersey statute in accordance with the foregoing limitations imposed by the First Amendment. But we must not strike that state statute down if it is within the state's constitutional power even though it approaches the verge of that power. New Jersey cannot consistently with the "establishment of religion" clause of the First Amendment contribute tax-raised funds to the support of an institution which teaches the tenets and faith of any church. On the other hand, other language of the amendment commands that New Jersey cannot exclude individual Catholics, Lutherans, Mohammedans, Baptists, Jews, Methodists, Nonbelievers, Presbyterians, or the members of any other faith, because of their faith, or lack of it, from receiving the benefits of public welfare legislation. While we do not mean to intimate that a state could not provide transportation only to children attending public schools, we must be careful in protecting the citizens of New Jersey against state-established churches, to be sure that we do not inadvertently prohibit New Jersey from extending its general State law benefits to all its citizens without regard to their religious belief.

Measured by these standards, we cannot say that the First Amendment prohibits New Jersey from spending tax-raised funds to pay the bus fares of parochial school pupils as a part of a general program under which it pays the fares of pupils attending public and other schools. It is undoubtedly true that children are helped to get to church schools. There is even a possibility that some of the children might not be sent to the church schools if the parents were compelled to pay their children's bus fares out of their own pockets when transportation to a public school would have been paid for by the State. The same possibility exists where the state requires a local transit company to provide reduced fares to school children including those attending parochial schools, or where a municipally owned transportation system undertakes to carry all school children free of charge. Moreover, state-paid policemen, detailed to protect children going to and from church schools from the very real hazards of traffic, would serve much the same purpose and accomplish much the same result as state provisions intended to guarantee free transportation of a kind which the state deems to be best for the school children's welfare. And parents might refuse to risk their children to the serious danger of traffic accidents going to and from parochial schools, the approaches to which were not protected by policemen. Similarly, parents might be reluctant to permit their children to attend schools which the state had cut off from such general government services as ordinary police and fire protection, connections for sewage disposal, public highways and sidewalks. Of course, cutting off church schools from these services, so separate and indisputably marked off from the religious function, would make it far more difficult for the schools to operate. But such is obviously not the purpose of the First Amendment. That Amendment requires the state to be a neutral in its relations with groups of religious believers and nonbelievers; it does not require the state to be their adversary.

State power is no more to be used so as to handicap religions, than it is to favor them.

This Court has said that parents may, in the discharge of their duty under state compulsory education laws, send their children to a religious rather than a public school if the school meets the secular educational requirements which the state has power to impose. It appears that these parochial schools meet New Jersey's requirements. The State contributes no money to the schools. It does not suport (sic) them. Its legislation, as applied, does no more than provide a general program to help parents get their children, regardless of their religion, safely and expeditiously to and from accredited schools.

The First Amendment has erected a wall between church and state. That wall must be kept high and impregnable. We could not approve the slightest breach. New Jersey has not breached it here.

Affirmed.

MR. JUSTICE JACKSON, DISSENTING.

I find myself, contrary to first impressions, unable to join in this decision. I have a sympathy, though it is not ideological, with Catholic citizens who are compelled by law to pay taxes for public schools, and also feel constrained by conscience and discipline to support other schools for their own children. Such relief to them as this case involves is not in itself a serious burden to taxpayers and I had assumed it to be as little serious in principle. Study of this case convinces me otherwise. The Court's opinion marshals every argument in favor of state aid and puts the case in its most favorable light, but much of its reasoning confirms my conclusions that there are no good grounds upon which to support the present legislation. In fact the undertones of the opinion, advocating complete and uncompromising separation of Church from State, seem utterly discordant with its conclusion yielding support to their commingling in educational matters. The case which irresistibly comes to mind as the most fitting precedent is that of Julia who according to Byron's reports, "whispering 'I will ne'er consent;'–consented."

It seems to me that the basic fallacy in the Court's reasoning, which accounts for its failure to apply the principles it avows, is in ignoring the essentially religious test by which beneficiaries of this expenditure are selected. A policeman protects a Catholic, of course–but not because he is a Catholic, it is because he is a man and a member of our society. The fireman protects the church school–but not because it is a church school; it is because it is property, part of the assets of our society. Neither the fireman nor the policeman has to ask before he renders aid "Is this man or building identified with the Catholic Church?" But before these school authorities draw a check to reimburse for a student's fare they must ask just that question, and if the school is a Catholic one they may render aid because it is such, while if it is of any other faith or is run for profit, the help must be withheld. To consider the converse of the Court's reasoning will best disclose its fallacy. That there is no parallel between police and fire protection and this plan of reimbursement is apparent from the incongruity of the limitation of this Act if applied to police and fire service. Could we sustain an Act that said police shall protect pupils on the way to or from public schools and Catholic schools but not while going to and coming from other schools, and firemen shall extinguish a blaze in public or Catholic school buildings but shall not put out a blaze in Protestant Church schools or private schools operated for profit? That is the true analogy to the case we have before us and I should think it pretty plain that such a scheme would not be valid.

This policy of our Federal Constitution has never been wholly pleasing to most religious groups. They all are quick to invoke its protections; they all are irked when they feel its restraints. This Court has gone a long way, if not an unreasonable way, to hold that public business of such paramount importance as maintenance of public order, protection of the privacy of the home, and taxation may not be pursued by a state in a way that even indirectly will interfere with religious proselyting.

But we cannot have it both ways. Religious teaching cannot be a private affair when the state seeks to impose regulations which infringe on it indirectly, and a public affair when it comes to taxing citizens of one faith to aid another, or those of no faith to aid all. If these principles seem harsh in prohibiting aid to Catholic education, it must not be forgotten that it is the same Constitution that alone assures Catholics the right to maintain these schools at all when predominant local sentiments would forbid them. Nor should I think that those who have done so well without this aid would want to see this separation between Church and State broken down. If the state may aid these religious schools, it may therefore regulate them. Many groups have sought aid from tax funds only to find that it carried political controls with it. Indeed this Court has declared that "It is hardly lack of due process for the Government to regulate that which it subsidizes."

But in any event, the great purposes of the Constitution do not depend on the approval or convenience of those they restrain. I cannot read the history of the struggle to separate political from ecclesiastical affairs, well summarized in the opinion of Mr. Justice Rutledge in which I generally concur, without a conviction that the Court today is unconsciously giving the clock's hands a backward turn.

Mr. Justice Frankfurter joins in this opinion.

Reading 5: *Abington School District v. Schempp* (1963)

In this case the Supreme Court ruled against the constitutionality of daily Bible readings in public schools. In his majority opinion Justice Clark does not dispute the principle established in the earlier case of *Zorach v. Clauson* (1952) and expressed by Justice Douglas, that Americans are a religious people whose institutions presuppose a Supreme Being; he simply contends that the notion of religious freedom is as deeply embedded in our public as well as private institutions as religion itself. On this basis, he is in a position to argue for the idea of a government's neutrality with regard to religion, insisting that its function is to protect all but prefer none.

Justice Clark's opinion can serve as a useful conclusion to this series of selections from Supreme Court decisions because it refers to a number of other important cases, such as *Cantwell v. Connecticut* and *Engel v. Vitale*, which turned on questions of church and state and affected the recent history of the Court's rulings on the relation between religion and society.

From 374 U.S. 203.

MR. JUSTICE CLARK DELIVERED
THE OPINION OF THE COURT

Once again we are called upon to consider the scope of the provision of the First Amendment to the United States Constitution which declares "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ." These companion cases present the issues in the context of state action requiring that schools begin each day with readings from the Bible. While raising the basic questions under slightly different factual situations, the cases permit of joint treatment. In light of the history of the First Amendment and of our cases interpreting and applying its requirements, we hold that the practices at issue and the laws requiring them are unconstitutional under the Establishment Clause, as applied to the States through the Fourteenth Amendment.

* * *

It is true that religion has been closely identified with our history and government. As we said in *Engel v. Vitale*, "The history of man is inseparable from the history of religion. And . . . since the beginning of that history many people have devoutly believed that 'More things are wrought by prayer than this world dreams of.'" In *Zorach v. Clauson* we gave specific recognition to the proposition that "[w]e are a religious people whose institutions pre-suppose a Supreme Being." . . .

This is not to say, however, that religion has been so identified with our history and government that religious freedom is not likewise as strongly imbedded in our public and private life. Nothing but the most telling of personal experiences in religious persecution suffered by our forebears . . . could have planted our belief in liberty of religious opinion any more deeply in our heritage. . . .

Almost a hundred years ago in *Minor v. Board of Education of Cincinnati*, Judge Alphonso Taft, father of the revered Chief Justice, in an unpublished opinion stated the ideal of our people as to religious freedom as one of

> absolute equality before the law, of all religious opinions and sects. . . .
> The government is neutral, and, while protecting all, it prefers none, and it *disparages* none.

Before examining this "neutral" position in which the Establishment and Free Exercise Clauses of the First Amendment place our Government it is well that we discuss the reach of the Amendment under the cases of this Court.

First, this Court has decisively settled that the First Amendment's mandate that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof" has been made wholly applicable to the States by the Fourteenth Amendment. . . . In a series of cases since *Cantwell* the Court has repeatedly reaffirmed that doctrine, and we do so now.

Second, this Court has rejected unequivocally the contention that the Establishment Clause forbids only governmental preference of one religion over another. Almost 20 years ago in *Everson* the court said that "[n]either a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another." . . .

While none of the parties to either of these cases has questioned these basic conclusions of the Court, both of which have been long established, recognized and consistently reaffirmed, others continue to question their history, logic and efficacy. Such contentions, in the light of the consistent interpretation in cases of this Court, seem entirely untenable and of value only as academic exercises.

The interrelationship of the Establishment and the Free Exercise Clauses was first touched upon by Mr. Justice Roberts for the Court in *Cantwell v. Connecticut* where it was said that their "inhibition of legislation" had

> a double aspect. On the one hand, it forestalls compulsion by law of the acceptance of any creed or the

> practice of any form of worship. Freedom of conscience and freedom to adhere to such religious organization or form of worship as the individual may choose cannot be restricted by law. On the other hand, it safeguards the free exercise of the chosen form of religion. Thus the Amendment embraces two concepts,—freedom to believe and freedom to act. The first is absolute but, in the nature of things, the second cannot be.

Finally, in *Engel v. Vitale*, only last year, these principles were so universally recognized that the Court, without the citation of a single case and over the sole dissent of Mr. Justice Stewart, reaffirmed them. The Court found the 22-word prayer used in "New York's program of daily classroom invocation of God's blessings as prescribed in the Regents' prayer . . . [to be] a religious activity." It held that "it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government." In discussing the reach of the Establishment and Free Exercise Clauses of the First Amendment the Court said:

> Although these two clauses may in certain instances overlap, they forbid two quite different kinds of governmental encroachment upon religious freedom. The Establishment Clause, unlike the Free Exercise Clause, does not depend upon any showing of direct governmental compulsion and is violated by the enactment of laws which establish an official religion whether those laws operate directly to coerce nonobserving individuals or not. This is not to say, of course, that laws officially prescribing a particular form of religious worship do not involve coercion of such individuals. When the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain.

And in further elaboration the Court found that the "first and most immediate purpose [of the Establishment Clause] rested on the belief that a union of government and religion tends to destroy government and to degrade religion." When government, the Court said, allies itself with one particular form of religion, the inevitable result is that it incurs "the hatred, disrespect and even contempt of those who held contrary beliefs."

The wholesome "neutrality" of which this Court's cases speak thus stems from a recognition of the teachings of history that powerful sects or groups might bring about a fusion of governmental and religious functions or a concert or dependency of one upon the other to the end that official support of the State or Federal Government would be placed behind the tenets of one or of all orthodoxies. This the Establishment Clause prohibits. And a further reason for neutrality is found in the Free Exercise Clause, which recognizes the value of religious training, teaching and observance and, more particularly, the right of every person to freely choose his own course with reference thereto, free of any compulsion from the state. This the Free Exercise Clause guarantees. Thus, as we have seen, the two clauses may overlap. As we have indicated, the Establishment Clause has been directly considered by this Court eight times in the past score of years and, with only one Justice dissenting on the point, it has consistently held that the clause withdrew all legislative power respecting religious belief or the expression thereof. The test may be stated as follows: what are the purpose and the primary effect of the enactment? If either is the advancement or inhibition of religion then the enactment exceeds the scope of legislative power as circumscribed by the Constitution. That is to say that to withstand the strictures of the Establishment Clause there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion. The Free Exercise Clause, likewise considered many times here, withdraws from legislative power, state and federal, the exertion of any restraint on the free exercise of religion. Its purpose is to secure religious liberty in the individual by prohibiting any invasions thereof by civil authority. Hence it is necessary in a free exercise case for one to show the coercive effect of the enactment as it operates against him in the practice of his religion. The distinction between the two clauses is apparent—a violation of the Free Exercise Clause is predicated on coercion while the Establishment Clause violation need not be so attended.

Applying the Establishment Clause principles to the cases at bar we find that the States are requiring the selection and reading at the opening of the school day of verses from the Holy Bible and the recitation of the Lord's Prayer by the students in unison. These exercises are prescribed as part of the curricular activities of students who are required by law to attend school. They are held in the school buildings under the supervision and with the participation of teachers employed in those schools. None of these factors, other than compulsory school attendance, was present in the program upheld in *Zorach v. Clauson*. The trial court in No. 142 has found that such an opening exercise is a religious ceremony and was intended by the State to be so. We agree with the trial court's finding as to the religious character of the exercises. Given that finding, the exercises and the law requiring them are in violation of the Establishment Clause.

There is no such specific finding as to the religious character of the exercises in No. 119, and the State contends (as does the State in No. 142) that the program is an effort to extend its benefits to all public school children without regard to their religious belief. Included within its secular purposes, it says,

are the promotion of moral values, the contradiction to the materialistic trends of our times, the perpetuation of our institutions and the teaching of literature. The case came up on demurrer, of course, to a petition which alleged that the uniform practice under the rule had been to read from the King James version of the Bible and that the exercise was sectarian. The short answer, therefore, is that the religious character of the exercise was admitted by the State. But even if its purpose is not strictly religious, it is sought to be accomplished through readings, without comment, from the Bible. Surely the place of the Bible as an instrument of religion cannot be gainsaid, and the State's recognition of the pervading religious character of the ceremony is evident from the rule's specific permission of the alternative use of the Catholic Douay version as well as the recent amendment permitting nonattendance at the exercises. None of these factors is consistent with the contention that the Bible is here used either as an instrument for nonreligious moral inspiration or as a reference for the teaching of secular subjects.

The conclusion follows that in both cases the laws require religious exercises and such exercises are being conducted in direct violation of the rights of the appellees and petitioners. Nor are these required exercises mitigated by the fact that individual students may absent themselves upon parental request, for that fact furnishes no defense to a claim of unconstitutionality under the Establishment Clause. See *Engel v Vitale*. Further, it is no defense to urge that the religious practices here may be relatively minor encroachments on the First Amendment. . . .

It is insisted that unless these religious exercises are permitted a "religion of secularism" is established in the schools. We agree of course that the State may not establish a "religion of secularism" in the sense of affirmatively opposing or showing hostility to religion, thus "preferring those who believe in no religion over those who do believe." *Zorach v. Clauson*. We do not agree, however, that this decision in any sense has that effect. In addition, it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment. But the exercises here do not fall into those categories. They are religious exercises, required by the States in violation of the command of the First Amendment that the Government maintain strict neutrality, neither aiding nor opposing religion.

Finally, we cannot accept that the concept of neutrality, which does not permit a State to require a religious exercise even with the consent of the majority of those affected, collides with the majority's right to free exercise of religion. While the Free Exercise Clause clearly prohibits the use of state action to deny the rights of free exercise to *anyone*, it has never meant that a majority could use the machinery of the State to practice its beliefs. Such a contention was effectively answered by Mr. Justice Jackson for the Court in *West Virginia Board of Education v. Barnette*:

> The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to . . . freedom of worship . . . and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.

The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. In the relationship between man and religion, the State is firmly committed to a position of neutrality. Though the application of that rule requires interpretation of a delicate sort, the rule itself is clearly and concisely stated in the words of the First Amendment. Applying that rule to the facts of these cases, we affirm the judgment in No. 142. In No. 119, the judgment is reversed and the cause remanded to the Maryland Court of Appeals for further proceedings consistent with this opinion.

It is so ordered.

Reading 6: Philip B. Kurland

From *Religion and the Law: Of Church and State and the Supreme Court* by Philip B. Kurland (Chicago: University of Chicago Press, Midway Reprint Edition, 1978). Reprinted by permission of Philip B. Kurland.

Just as the meaning of the two clauses of the First Amendment has produced differences of opinion among the justices of the Supreme Court, so the Court's decisions relating to and interpreting the First Amendment clauses have produced differing responses among legal scholars. Philip Kurland offers the reminder that the religion clauses are not absolute principles so much as guidelines for reflection, and that they can no longer be interpreted or applied now as they might have been in the colonial era when they were first drafted. He further believes that there is a potential conflict between the two clauses, since if the first forbids the state from inhibiting religious activity, the second forbids the state from favoring it. While many justices have used this conflict to argue for neutrality, Kurland acknowledges that neutrality leaves numerous problems unanswered, not the least of them stemming from the fact that religion is often affected even when the state acts on matters totally unrelated to religion. This leads Mr. Kurland to the position that the two clauses of the First Amendment, dealing with freedom and separation respectively, "should be read as a single precept that government cannot utilize religion as a standard for action or inaction because these clauses prohibit classification in terms of religion either to confer a benefit or to impose a burden."

"A Doctrine in Search of Authority" (1961)

Like most commands of our Constitution, the religion clauses of the first amendment are not statements of abstract principles. History, not logic, explains their inclusion in the Bill of Rights; necessity, not merely morality, justifies their presence there.... Religious toleration, summed up in the second of the two clauses, was, ... necessary to preserve the peace. Separation, represented by the first of the two clauses, was necessary to make such religious freedom a reality. But the separation clause had a greater function than the assurance of toleration of dissenting religious beliefs and practices. To suggest but two lessons of the evils resulting from the alliance of church and state, there was abundant evidence of the contributions of the churches to the warfare among nations as well as the conflict within them and equally obvious was the inhibition on scientific endeavor that followed from the acceptance by the state of church dogma. It is not necessary to suggest that the Francophiles in the American community were dedicated to the anti-clericalism that contributed to the French Revolution, but they certainly were not ignorant of the evils that aroused such violent reactions. For them toleration could hardly satisfy the felt needs; separation was a necessary concomitant. But admittedly separation was a new concept in practice. Toleration had a long English history; separation—conceived in the English writings of Roger Williams—had its beginnings as an historical fact only on the shores of this continent. It is justified in Williams' terms by the necessity for keeping the state out of the affairs of the church, lest the church be subordinated to the state; in Jeffersonian terms its function is to keep the church out of the business of government, lest the government be subordinated to the church. Limited powers of government were not instituted to expand the realm of power of religious organizations, but rather in favor of freedom of action and thought by the people.

Nor were these two concepts closed systems at the time of the adoption of the first amendment. The objectives of the provisions were clear, but the means of their attainment were still to be developed and, indeed, are still in the course of development. Thus, like the other great clauses of the Constitution, the religion clauses cannot now be confined to the application they might have received in 1789.

The utilization or application of these clauses in conjunction is difficult. For if the command is that inhibitions not be placed by the state on religious activity, it is equally forbidden the state to confer favors upon religious activity. These commands would be impossible of effectuation unless they are read together as creating a doctrine more akin to the reading of the equal protection clause than to the due process clause, *i.e.*, they must be read to mean that religion may not be used as a basis for classification for purposes of governmental action, whether that action be the conferring of rights or privileges or the imposition of duties or obligations. Or, to put it in Lord Bryce's terms: "It is accepted as an axiom by all Americans that the civil power ought to be not only neutral and impartial as between different forms of faith, but ought to leave these matters entirely on one side...." It must be recognized, however, that this statement of the "neutral" principle of equality, that religion cannot supply a basis for classification of governmental action, still leaves many problems unanswered. Not the least of them flows from the fact that the actions of the state must be carefully scrutinized to assure that classifications that purport to relate to other matters are not really classifications in terms of religion. "[C]lassification in abstract terms can always be carried to the point at which, in fact, the class singled out consists only of particular known persons or even a single individual. It must be admitted that, in spite of many ingenious attempts to solve this problem, no entirely satisfactory criterion has been found that would always tell us what kind of classification is compatible with equality before the law."

It is the genius of the common law, and thus of American constitutional law, that its growth and principles are measured in terms of concrete factual situations, or at least with regard to factual situations as concrete as the deficiencies of our adversary system permit them to be. It remains then to examine the cases that have arisen and the rationales offered in their solu-

tion and to see how the suggested thesis would resolve them. Before doing so, however, it might be desirable to repeat two propositions. First, the thesis proposed here as the proper construction of the religion clauses of the first amendment is that the freedom and separation clauses should be read as a single precept that government cannot utilize religion as a standard for action or inaction because these clauses prohibit classification in terms of religion either to confer a benefit or to impose a burden. Second, the principle offered is meant to provide a starting point for solutions to problems brought before the Court, not a mechanical answer to them.

Reading 7: Mark De Wolfe Howe

From *The Garden and the Wilderness, Religion and Government in Constitutional History* by Mark DeWolfe Howe (Chicago: The University of Chicago Press, 1965). Reprinted by permission of The Frank L. Weil Institute.

Mr. Howe is concerned with the way the Supreme Court has permitted, as Justice Reed once said, the rule of law to be determined by a metaphor or figure of speech. The offending figure in this case is Jefferson's usage of the wall between church and state, which carries heavy overtones of Jefferson's own eighteenth-century prejudices against organized religion. But if Jefferson allowed his own prejudices to affect his choice of words, so the justices of the Supreme Court have often permitted their own preferences, rather than the dictates of the nation's history, to influence their decisions. Mr. Howe therefore wants to ask what would have happened to the subsequent history of Court decisions if the justices had taken their metaphorical bearings not from Jefferson but from Roger Williams who invoked rather different imagery when he contrasted the garden of the church with the wilderness of the world.

What liberals in particular might then have realized, according to Mr. Howe, is that the First Amendment clauses make a theological as well as a political affirmation. Not only do they prohibit the enactment of laws establishing religion; they also prohibit the making of laws that restrict its free exercise. And because society has responded to both of these dimensions of the First Amendment, both its protection against state incursion and its promotion of religious freedom, there has developed in the United States a *de facto* establishment of religion that is at one and the same time acknowledged by the Court, when it claims that America is a religious nation, and opposed by the Court, when it views its objective either as maintaining neutrality or as opposing all *de facto* establishments.

"Federalism and the First Amendment"

Mr. Justice Reed of the Supreme Court once warned his associates that "a rule of law should not be drawn from a figure of speech."[1] The Court did not heed the admonition, and as a result, much judicial energy has been devoted to the task of defining the constitutional significance of "the wall of separation between church and state." The figure, when it appeared upon the scene of constitutional law, was clothed in Jeffersonian garb, for the metaphor to which the justices made reference was found in a letter which Thomas Jefferson had written to the Baptists of Danbury, Connecticut. If you remember his use of the metaphor, you will recall that it was made explicitly relevant to the prohibitions of the First Amendment. "I contemplate with sovereign reverence," wrote Jefferson, "that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion or prohibiting the free exercise thereof,' thus building a wall of separation between church and state."[2]

Though this message to the Baptists could easily, perhaps even properly, be read as an ingratiating effort to echo a Baptist orthodoxy—as an insistence, that is, that the spiritual freedom of churches is jeopardized when they forget the principle of separation—it is not surprising that it was taken to reflect a more familiar, though possibly exaggerated, aspect of Jefferson's philosophy—the aspect, that is, which made him the child of Europe's Enlightenment and the father of America's. When one interprets the metaphor of separation in the context of Jefferson's effusive preamble to Virginia's Act for Establishing Religious Freedom, it is not at all surprising that it has been taken to reflect the bias of eighteenth-century rationalism. That preamble sparkles with the anticlerical presuppositions of the Enlightenment. It explicitly bespeaks the fear that "the impious presumption" of ecclesiastical rulers would, if not confined, establish and maintain false religion throughout the land. The same mistrust of clerics is revealed in the preamble's pronouncement that "forcing [a man] to support this or that teacher of his own persuasion, is depriving him of the comfor-

table liberty of giving his contributions to the particular pastor, whose morals he would make his pattern, or whose powers he feels most persuasive to righteousness."[3] Surely it is not surprising that one who had expressed these convictions, and came later to speak his metaphorical words, should have been taken to regard the First Amendment as the safeguard of public and private interests against ecclesiastical depredations and excursions. It was through such an interpretation of the Jeffersonian tradition that the Virginia Court of Appeals was led to adopt the startling doctrine that no trust for a religious purpose is enforceable in the courts of Virginia.[4] The Virginia judges evidently thought it not only a "comfortable liberty" but a desirable freedom for a person who holds property in trust for a religious purpose to be free in law to apply it to some other end. If that was the logical consequence of the Jeffersonian principle of separation, it is not entirely surprising that the orthodox looked with some dismay upon the implications of deistic rationalism.

When Mr. Justice Reed accused his associates of extracting a rule of law from a figure of speech, they answered, in effect, that it was not the metaphor but the history which lay behind it that produced the rule of law. Since the metaphor was Jefferson's, it is understandable, perhaps, that the Court considered that its inquiry into the legislative history of the First Amendment should be centered upon the story of Virginia's religious emancipation. That concentration, however, forced a continental complexity of theory, practice, and faith into such a confining frame of reference as to make impossible anything more significant than a parochial gloss on Jefferson's metaphor.

Among the stupendous powers of the Supreme Court of the United States, there are two which in logic may be independent and yet in fact are related. The one is the power, through an articulate search for principle, to interpret history. The other is the power, through the disposition of cases, to make it. Phrased somewhat differently, the contrast which I have in mind is that between the scholar's capacity to conduct a groping search for past event and initial purpose and the statesman's talent for making the decisive choice of rule of conduct which he believes to be suitable for the government of the future. It is the common-law tradition, perhaps, which leads the Court and those who study its processes to assume (or had I better say "pretend"?) that the history which is made by the Court's decisions is merely the realization of the past which the learning of the justices and their clerks has uncovered. The judge as statesman, purporting to be the servant of the judge as historian, often asks us to believe that the choices that he makes—the rules of law that he establishes for the nation—are the dictates of a past which his abundant and uncommitted scholarship has discovered.

If you should take these general reflections as an indication that I think the Court's interpretations of social and intellectual history as they bear on problems of church and state have been inadequate, you would, I fear, be right. In recent years the Court has decided a number of important cases relating to church and state and, in each of the cases, has alleged that the command of history, not the preference of the justices, has brought the Court to its decision. I believe that in the matters at issue the Court has too often pretended that the dictates of the nation's history, rather than the mandates of its own will, compelled a particular decision. By superficial and purposive interpretations of the past, the Court has dishonored the arts of the historian and degraded the talents of the lawyer. Such dishonoring and degrading may not be of large moment when the history that the Court manipulates is merely "legal history"—the story, that is, of the law's internal growth and development. When, however, the Court endeavors to write an authoritative chapter in the intellectual history of the American people, as it does when it lays historical foundations beneath its readings of the First Amendment, then any distortion becomes a matter of consequence. The misreading is of moment not because it has led the Court to a mistaken decision—for the decision may well be right and wise—but because it has woven synthetic strands into the tapestry of American history. It may be that as a lawyer I take the Court's distorting lessons in American intellectual history too seriously. I must remind you, however, that a great many Americans—lawyers and non-lawyers alike—tend to think that because a majority of the justices have the power to bind us by their law they are also empowered to bind us by their history. Happily that is not the case. Each of us is entirely free to find his history in other places than the pages of the *United States Reports*.

* * *

The phrase which I have chosen as a title for this series of lectures I have taken from a piece of writing by Roger Williams entitled "Mr. Cotton's Letter Lately Printed, Examined and Answered." I should like to quote the entire paragraph in which Williams spoke of the garden and the wilderness.

> . . . The faithful labors of many witnesses of Jesus Christ, extant to the world, abundantly proving that the church of the Jews under the Old Testament in the type, and the church of the Christians under the New Testament in the antitype, were both separate from the world; and that when they have opened a gap in the hedge or wall of separation between the garden of the church and the wilderness of the world, God hath ever broke down the wall itself, removed the candlestick, and made His garden a wilderness, as at this day. And

> that therefore if He will ever please to restore His garden and paradise again, it must of necessity be walled in peculiarly unto Himself from the world; and that all that shall be saved out of the world are to be transplanted out of the wilderness of the world, and added unto his church or garden.[5]

You see, of course, where this passage leads us—back to the metaphor from which a majority of the Court drew a rule of constitutional law. The extraction of law from Jefferson's metaphor, we have seen, carried an unmistakably Jeffersonian flavor—the tang, that is, of enlightened rationalism. If, instead of taking the metaphor from Jefferson, the Court had taken it from Roger Williams, what flavor would imbue the derivative rule of law? Of one thing we may be sure; it would not be Jeffersonian. When the imagination of Roger Williams built the wall of separation, it was not because he was fearful that without such a barrier the arm of the church would extend its reach. It was, rather, the dread of the worldly corruptions which might consume the churches if sturdy fences against the wilderness were not maintained. Jefferson's total concern obviously included a deep anxiety that the liberties of individuals would be endangered if a wall of separation did not stand between them and the state. His concern may even have included some uneasiness about the fate of churches if they were not safeguarded from the authority of the government. Yet it is wholly clear, I take it, that the metaphor as it came from the pen of Jefferson carried a very different overtone of conviction from that which it bore in the message of Williams. The principle of separation epitomized in Williams' metaphor was predominantly theological. The principle summarized in the same figure when used by Jefferson was primarily political.

Several factors have combined, I think, to make the Jeffersonian rather than the evangelical version of the metaphor the Court's starting place. As I have already pointed out, the figure, when it came from the pen of Jefferson, seemed to express both the skepticism and the confidence of the Enlightenment. Our century is also an age of emancipation—an era, that is, in which the intellectual is apt to take his doubts as seriously as he does his convictions and to make of his faith, if he have it, an exercise in symbolism. It is an age, accordingly, in which a necessarily hurried reading of history will quickly persuade the enlightened reader that the prohibition against the enactment of law respecting an establishment of religion effected the transformation of Jeffersonian suspicion into a rule of constitutional law. Today's Court has found it easy, therefore, to assume that the framers of the First Amendment intended to keep alive that bias of the Enlightenment which asserted that government must not give its aid in any form to religion lest impious clerks tighten their grip upon the purses and the minds of men.

Another consideration of a rather different order has played a part in leading today's Court to give the metaphor a Jeffersonian rather than an evangelical interpretation. A frank acknowledgement that, in making the wall of separation a constitutional barrier, the faith of Roger Williams played a more important part than the doubts of Jefferson probably seemed to the present Court to carry unhappy implications. Such an acknowledgment might suggest that the First Amendment was designed not merely to codify a political principle but to implant a somewhat special principle of theology in the Constitution—a principle, by no means uncontested, which asserts that a church dependent on governmental favor cannot be true to its better self. I have already suggested that it is not a distorting exaggeration to say that Williams' principle of separation was primarily a principle of theology and Jefferson's predominantly a principle of politics. If that suggestion is accepted, it may seem that the Court pursued the natural course when it read the First Amendment as the translation of Jefferson's rather than Williams' figure of speech. It is hard for the present generation of emancipated Americans to conceive the possibility that the framers of the Constitution were willing to incorporate some theological presuppositions in the framework of federal government. I find it impossible to deny that such presuppositions did find their way into the Constitution. To make that admission does not seem to me to necessitate the concession which others seem to think it entails—the concession that the government created by that Constitution can properly become embroiled in religious turmoil. But I have digressed.

Illusion born of oversimplification has also favored a Jeffersonian interpretation of the old metaphor. In the contemporary world, we tend to assume that the objective of disestablishment is necessarily the objective of liberalism. That assumption, I suggest, is not justified if the concept of liberalism is sufficiently inclusive to embrace a progressive theology as well as a progressive political philosophy. I would remind you that the fundamentalist crusade in reaction, known, paradoxically, as the Great Awakening, was deeply committed to the cause of disestablishment. I would hesitantly suggest, furthermore, that that commitment may have been a reflection of the crusade's regressive impulse. Let me remind you also that when Massachusetts finally destroyed her establishment in the 1830's, it was largely because "the friends of evangelical religion" (to use the phrase of a Presbyterian foe of ecclesiastical liberalism)[6] discovered that the new, relaxed theology of the Unitarians had secured the favor of the state. Was not resentment against the Anglican establishments in Virginia based in significant part upon the conviction of the Baptists and Presbyterians that the dependence of the Anglican clergy upon upon governmental favor had brought not merely laxity in moral standards but latitudinarian attitudes in matters of theology? If, for a moment, I cross the Atlantic it is simply to remind you that when, in the nineteenth century, liberalism infected the Church of England it was the state, speaking through the privy council, and not

the church, speaking through the hierarchy, which determined that the church must be sufficiently mature to make room for progress.[7]

From everything which I have so far said, you will rightly gather that I am persuaded that if the First Amendment codified a figure of speech it embraced the believing affirmations of Roger Williams and his heirs no less firmly than it did the questioning doubts of Thomas Jefferson and the Enlightenment. The fact that there is a theological theory of disestablishment, traceable to Roger Williams, is recognized by all those historians who insist that the American principle became a political reality only because it was sustained by the fervor of Jonathan Edwards and the Great Awakening. The forces let loose by that revival still operated in 1790 to give the sanctities of the garden priority in many minds over the prerogatives of the wilderness. We may legitimately regret the facts of history, but I do not suppose that the regretting and the denying of reality are identical processes.

Though it seems to me that today's liberals have not sufficiently recognized the complexities of motive which fashioned the policy of separation, the justices have been compelled by the very structure of the First Amendment's prohibitions to acknowledge that it sought to do something more than secure the people from ecclesiastical depredations. For the prohibition is not only against the enactment of laws respecting an establishment of religion; it is against the making of laws prohibiting its free exercise. The specificity of this second assurance makes it clear beyond controversy that the framers could not have intended the policy of separation, enunciated in the prohibition of establishment, to frustrate or inhibit the religious experience. The Court's endeavor in recent years, accordingly, has been to discover some means by which it may vigorously enforce a Jeffersonian principle of separation while, at the same time, it protects the conscience of the individual. In seeking to have it both ways—to safeguard the conscience of individuals and to prevent aid to religion—the Court's tendency has been to look upon its task as that of blending a secularist's rule of separation, derived from Jefferson, with a believer's rule of freedom, derived from Roger Williams. It has failed sufficiently to recognize, I think, that the rule of separation was no less a postulate of faith than it was an axiom of doubt. If one is to respect the realities of history in formulating rules of constitutional law, it is not as easy as the Court has pretended it to be to cast out the theology of the First Amendment.

The basic error which I see in the Court's ways derives not from its failure to give a theological reading to the Amendment but from its pretension that the framers spoke in a wholly Jeffersonian dialect and that those who ratified it fully understood that style of speech. By building constitutional law upon history thus oversimplified, the Court has widened the gap between current social reality and current constitutional law. The social fact has necessarily been shaped by the totality of history, including those forces which demanded the advancement of religious interests. The evangelical principle of separation endorsed a host of favoring tributes to faith—tributes so substantial that they have produced in the aggregate what may fairly be described as a *de facto* establishment of religion. By using this phrase I mean to suggest, of course, that the religious institution as a whole is maintained and activated by forces not kindled directly by government, and that this social reality, in its technical independence from law, bears legally some analogy to that ugly actuality known as *de facto* segregation. Some elements of our religious establishment are, of course, reinforced by law. Whenever that situation prevails, as it does, for instance, when the law secures the sanctity of Sunday, the courts are apt to seek out a secular justification for the favoring enactment and, by this evasive tactic, meet the charge that an establishment *de jure* exists. The ultimate strength of our religious establishment is derived, however, not from the favoring acts of government, but, in largest measure, from the continuing force of the evangelical principle of separation. The Supreme Court's unwillingness to recognize that this principle has ever been an element in our constitutional tradition—its pretense, that is, that the only theory of separation known in American constitutional history is the Jeffersonian or rationalistic—leaves quite unexplained the persistence of the *de facto* establishment. Its persistence is owing in large part to the fact that throughout our history the evangelical theory of separation has demanded that the *de facto* establishment be respected. The hold of that theory is so strong that it is almost inconceivable that any branch of government, whether local, state, or national, could today acknowledge that its objective is the destruction of this establishment. Yet the Supreme Court, by pretending that the American principle of separation is predominantly Jeffersonian and by purporting to outlaw even those aids to religion which do not affect religious liberties, seems to have endorsed a governmental policy aimed at the elimination of *de facto* establishments. The Court too often has allowed itself to become involved in an exercise in scholastic dogmatism—a venture in the acrobatics of logic which cannot, for very long, have an important effect on the actualities of American life.

From time to time the justices have explicitly acknowledged the social reality which I have described as the *de facto* establishment. When charged with the sin of secularism, with hostility to the religious influences on American life, they have not hesitated to say that the fact is quite otherwise—that their insistence on total separation promotes the best interests of religion.[8] In making this defense of Jeffersonian decisions, the justices have not always realized, I suspect, that their vindicating reflections carry them perilously close to an endorsement of evangelical disestablishment—to an assertion, that is, that they have reached the result in question in order that they may, like Roger Williams, protect the garden from the instrusions of the wilderness. I suppose that all the justices have

meant to say when they have responded piously to the protests of their pious critics is that nothing the Court has done, or means henceforth to do, is intended to undermine the *de facto* establishment which prevails. For a Court to say that much with respect to *de facto* racial segregation would come dangerously close to the judicial sanctioning of that ugliness. Does the judicial blessing of *de facto* establishment for some reason have a different significance?

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[1]*McCollum v. Board of Education*, 333 U.S. 203, 247 (1948).

[2]16 *Writings of Thomas Jefferson* 281-82 (1903).

[3]12 Hening, *Statutes at Large*, 84-85 (1823).

[4]Gallego's *Executors v. Attorney General*, *3 Leigh 487 (1832)*.

[5]Perry Miller, *Roger Williams: His Contribution to the American Tradition*, 89, 98 (1953).

[6]Robert Baird, *Religion in America* 112 (1844).

[7]See, in general, A. O. J. Cockshut, *Anglican Attitudes: A Study of Victorian Religious Controversies* (1959).

[8]See, for example, Tom C. Clark, *Religion and the Law*, 15 S.C.L.Q. 855 (1963).

Reading 8: Wilbur G. Katz and Harold P. Southerland

From "Religious Pluralism and the Supreme Court," by Wilbur G. Katz and Harold P. Southerland. Reproduced by permission of *Daedalus*, Journal of the American Academy of Arts and Sciences, *Religion in America*, Volume XCVI (Winter 1967), Boston, MA.

Messrs Katz and Southerland seem prepared to take at least partial exception to Mr. Howe's thesis by arguing that in its recent history the Supreme Court, far from either promoting or resisting a *de facto* religious establishment, has advanced the cause of religious pluralism. The Court has expanded religious freedom and diversity both by maintaining a general policy of neutrality that has prevented governmental intervention or sponsorship of religion, and by augmenting this from time to time through the creation of special provisions to neutralize the restrictive effects that governmental actions in other areas have sometimes had on religion itself.

While the authors concede that these assertions are open to debate and require historical substantiation, they furnish a very helpful definition of pluralism itself. Pluralism refers to a social situation where differences are regarded as instrumental, rather than detrimental, to group solidarity; religious pluralism defines that attitude toward differences of belief and practice that construes their freedom and variety as not only individually legitimate but as mutually enhancing.

"Religious Pluralism and the Supreme Court" (1968)

I

This essay examines the pattern of religious pluralism in the United States and the role that the Supreme Court has played in its development. *Pluralism* is a term of many meanings: A society characterized by strife, hostility, and divisiveness may be called pluralistic. In this essay, the term will be used in a sense that expresses hope rather than fear, unity rather than fragmentation. Pluralism, in this sense, describes a society in which there prevails an attitude toward differences that reinforces and contributes to social cohesiveness.

A religiously pluralistic society, then, is one in which the principal religious groups not only claim freedom for themselves, but affirm equal freedom for others, whatever their beliefs may be. In such a society, these groups have also an internal freedom which is reflected in tolerance of criticism and openness to new insights. Individuals are free to doubt and to believe. This freedom is affirmed because of a realization of the need for dialogue, because groups and individuals have a stake—a religious stake—in the freedom of others. The model pluralism is also one in which there is a sensitivity to the differing needs of various groups and a disposition to accommodate these needs. Such a society need not embody perfection; it may contain groups that do not believe in or practice religious freedom. But a society can approximate the model pluralism if such groups are no great threat to freedom, if a trust in the common commitment to religious freedom prevails among the principal groups.

In this essay, the recent work of the Supreme Court will be interpreted as expanding religious freedom and thus creating a legal structure favorable to the maturing of this kind of religious pluralism. This interpretation may be debatable,

legally and historically; but however the Court's work is interpreted, the influence of its decisions on American religious culture can be neither ignored nor minimized.

Controversy in church-state matters centers on the First Amendment's cryptic injunction that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." This provision is now held to bind also the state legislatures by virtue of the due-process clause of the Fourteenth Amendment. The historical meaning of the quoted words is at best obscure. But there is general agreement that they were designed to accomplish some kind of separation of church and state. When inquiry is made, however, as to the degree and kind of separation required, agreement disappears—with respect both to historical meaning and to policy objectives. It is here submitted that the Court has made it clear that the church-state separation required by the Constitution is not one that insulates government from contacts with religion, but rather one that maximizes religious freedom through a policy of government neutrality. The Constitution does not limit religious freedom to the freedom compatible with strict separation; it requires only the separation compatible with maximum freedom. (Religious freedom has, of course, its limits, as the courts have made clear in cases dealing with polygamy, blood transfusion, snake handling, and compulsory education.)

The Supreme Court has expanded freedom in two principal ways. It has insisted upon a policy of neutrality that forbids government promotion or sponsorship of religious beliefs. By this insistence, the Court has not merely protected the freedom of those who hold different beliefs; it has protected the freedom of commitment to favored beliefs from being compromised by government sponsorship. In the second place, the Court has also expanded religious freedom by permitting, and sometimes requiring, special provisions to be made for religion where this is necessary to neutralize the otherwise restrictive effects of government's expanding activities.

These actions have not always been viewed as actions expanding religious freedom, nor have the Court's opinions always been couched in these terms. But for the study of religion and American culture, the prime significance of the Court's recent work has been its creation of broadly libertarian structures for the religious pluralism of the future.

II

The outlines of neutrality, the dominant theme in the Court's church-state decisions, began to emerge in 1947 in *Everson v. Board of Education*,[1] the first of the Court's controversial decisions in this area. In this case, New Jersey's provision for bus transportation for parochial-school students was attacked as a "law respecting an establishment of religion" prohibited by the First Amendment. Although the opinion sustaining the statute was primarily a discussion of the limits of separation, it included a statement that the First Amendment requires the state to be neutral—not only neutral toward sects but also neutral toward "groups of religious believers and nonbelievers."

The meaning of neutrality became much clearer in 1961 when the Court unanimously struck down a historic provision of the Maryland constitution requiring a declaration of belief in the existence of God as a prerequisite to holding public office.[2] The plaintiff was a member of the American Humanist Association who had precipitated the test by applying for a commission as a notary public. In holding that the test oath requirement violated his "freedom of belief and religion," the Court declared, in effect, that the state may not discriminate on grounds of religion, regardless of whether the discrimination favors a particular belief or favors all who believe in God at the expense of non-theists. In this case, the Court departed for the first time from traditional usage of the word *religion*, referring to "religions ... which do not teach what would generally be considered a belief in the existence of God" and citing "Ethical Culture and Secular Humanism."

In the 1962 and the 1963 cases on public-school devotions, the plaintiffs included both sectarians who objected to the particular kind of worship that was sponsored and secularists who objected to any religious devotions. In all of the cases, the Court held that public-school authorities may not sponsor practices which imply the taking of sides in relation to religion. In the *Regents' Prayer* case,[3] the emphasis was on the impropriety of the Regents' action in promulgating an official prayer, notwithstanding its nonsectarian character and the broad approval given it by Jewish and Christian spokesmen.

In the *Schempp* case,[4] the neutrality doctrine received repeated emphasis. The Court stated a test: To avoid violating the "no-establishment" clause, an action of a public agency must not be designed to promote (or inhibit) religious beliefs or practices. In the words of one of the justices, neutrality requires "the extension of evenhanded treatment to all who believe, doubt, or disbelieve—a refusal on the part of the State to weight the scales of private choice."[5] All but one of the justices considered official sponsorship of daily devotions to be inconsistent with neutrality.

Some of the Court's critics have argued that toleration is all that a religious minority (including those who profess no religion) can reasonably expect. Erwin N. Griswold, for example, wrote in his criticism of the *Regents' Prayer* case:

> The child of a nonconforming or minority group is, to be sure, different in his beliefs. That is what it means to be a member of a minority. Is it not desirable, and educational, for him to learn and observe this, in the atmosphere of the school—not so much that he is different, as that other children are different from him? And is it not desirable that, at the same time, he experience and learn the fact that his

> difference is tolerated and accepted? No compulsion is put upon him. He need not participate. But he, too, has the opportunity to be tolerant. He allows the majority of the group to follow their own tradition, perhaps coming to understand and to respect what they feel is significant to them.[6]

This view is incompatible with the kind of pluralism envisaged by the Court, a pluralism based not on tolerance but on equal freedom. As Mark DeWolfe Howe has said, leaders in the formative period of our government aimed at "converting the liberal principle of tolerance into the radical principle of liberty" and "believed that it might be achieved by prohibiting the governmental establishment of religion and guaranteeing religious freedom to all persons."[7]

The case of the humanist notary made it clear that the protection of the neutrality principle extends to those who do not believe in God. The 1965 conscientious-objector decisions had, therefore, been foreshadowed. Exemption from military service for conscientious objectors has traditionally been predicated on opposition to war stemming from religious training and belief. In 1948, Congress added the qualification that religious belief for this purpose means "belief in relation to a Supreme Being," to the exclusion of moral, philosophical, or other views. But, in *United States v. Seeger*,[8] the Supreme Court held that the exemption covers an agnostic whose opposition to war is based on belief in the devotion to goodness and virtue for their own sake and a religious faith in a purely ethical creed." The Court refused to attribute to Congress any narrow or parochial concept of religious belief, although it seems quite likely that a narrow concept had been intended. The test, the Court said, was "whether a given belief that is sincere and meaningful occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption." Citing an impressive array of theological authorities, the Court stated that its interpretation embraced "the ever broadening understanding of the modern religious community."

Thus far, this section has dealt with the way in which the neutrality doctrine protects the freedom of those who hold a particular belief from governmental action penalizing them or promoting other beliefs. But the promoting of religious beliefs or practices by government would impair also the freedom of those who hold the favored beliefs. The neutrality rule protects the freedom of religious commitment from the devitalizing effects of government sponsorship.

Recent observers of American religious culture have seen that "establishment" can be a threat to free religion even where there is no established church. Peter L. Berger has written of "the religious establishment in America" as the principal threat to the vitality of Christian commitment.[9] The danger is that churches may become captive institutions submerged in a culture religion identified with the American Way of Life. Berger called the public schools "the principal agency representing the politically established culture religion." From this point of view, one can readily see at least symbolic importance in what the Court has done in checking the use of the public schools to propagate this faith.

In this respect, the Court's work can be interpreted as building upon the insights of Roger Williams concerning the nature of religious freedom and the evils of establishment. As Perry Miller has explained, Williams saw religious freedom as more than a set of external conditions. Williams' passionate religious concern made him "an analyst, an explorer into the dark places, of the very nature of freedom. His decision to leave denominations free to worship as they chose came as a consequence of his insight that freedom is a condition of the spirit."[10] Williams saw that persecution not only invades the freedom of the persecuted, but reveals the absence of freedom in the religious commitment of the persecutors. This view of interior religious freedom led Williams to demand a "hedge or wall of separation between the garden of the church and the wilderness of the world." As Mark DeWolfe Howe explains the Williams thesis, the wall protects not merely against possible efforts of government to injure religion, but against government's misguided desire to favor the churches.[11]

Varying reactions of "believers" to the public school prayer decisions give clues to varying attitudes toward this internal religious freedom. Initial comments of religious spokesmen were largely critical of the decisions. They often interpreted them as restrictions of the religious freedom of the majority and rejected the Court's assertion that free exercise of religion "has never meant that a majority could use the machinery of the State to practice its beliefs."[12] Second thoughts brought many religious leaders to defend the Court and to oppose efforts to nullify its decision by amendment of the constitution. Some of the second thoughts were induced by concern over the peculiar religiosity of many of the demands for Constitutional amendment. They had an almost hysterical quality that seemed to reflect a fear of genuine religious freedom that was masked behind an insistence that religious belief have the support of agencies of government. Church leaders came to see the dangers of civic religion as a substitute for other religious commitment. They came to see government sponsorship of religion as a threat to the prophetic witness of the churches and a threat to religious freedom. According to one witness at the Congressional hearings, "the threat is not the secularization of our schools but the secularization of our religion." The Court's insistence on neutrality came to be seen as a protection against this threat.

Critics of the Court often claim that the prayer and Bible reading decisions are hostile to traditional religion and amount to an establishment of secularism. These claims ignore not only the point just developed, but also the Court's careful assurances that neutrality toward religion does not mean the elimination from public education of all study of

religious beliefs and practices. On the contrary, the Court warned:

> It might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistent with the First Amendment.[13]

Educators are beginning to struggle with the practical problems inherent in such "objective" study of religion. The difficulties in maintaining neutrality are formidable. There must be no "teaching for commitment"; the teaching must be "about" religion and not "of" religion. Furthermore, even in a community with a large Protestant majority, it would not be neutral to limit the instruction to beliefs of Protestant churches. There may be even greater difficulty in maintaining neutrality toward traditional religious beliefs and other views of man and his relationships. There is always a danger that teaching about representative faiths (Protestant, Catholic, and Jewish) will carry the implication that this tri-faith pluralism is the American religion, that all good Americans are at least nominally committed to one of these faiths.

Perfect neutrality, however, is not required. In one area, at least, the Court has tolerated what Mark DeWolfe Howe has called "*de facto* establishment"[14] The Court has refused to upset traditional Sunday-closing laws. Notwithstanding the admittedly religious roots of these laws and the religious language in which some of them are still cast, the Court found that Sunday laws are now designed to serve the secular purpose of providing a uniform day of rest and recreation.[15]

* * *

IV

Decisions of the Supreme Court have here been interpreted as creating a legal structure within which religious life in the United States can move toward a mature pluralism that reflects an active commitment to religious freedom. Discussion has focused on two applications of a general principle of neutrality. The structure created by the Court is partly permissive. Government may aid religion in ways which protect religious freedom in the context of government's own pervasive activities. But part of the Court's structure is restrictive. Government may not take sides in religious matters; it may not promote religious beliefs—either specific beliefs or religion in general.

It is easy to belittle the practical importance of these restrictions. In the public-school cases, for example, did the Court actually add to the freedom of minorities? Did it actually increase the freedom with which beliefs are held by the majority? It is easy to give a negative answer, and it is easy also to criticize the Court's "absolutist" rhetoric. But such judgments miss an important point. The principal importance of the Court's decisions in this field is symbolic. The Court is commending to citizens of a country with many faiths the ideal of an expanding and deepening religious freedom. In doing so, it is not surprising that the Court uses high-sounding rhetoric. As in the cases on desegregation, if the Court succeeds, it will be through its influence on changing attitudes.

It is not impossible that cultural development in the United States will be toward a pattern in which religious life is sustained more by the vitality of inner freedom than by the pressures of social establishment. It is not impossible that development will be toward a pluralism in which minorities are accorded not the grace of toleration but the right of equal freedom. If these developments do take place, future historians may assign some of the credit to the Supreme Court.

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[1] *Everson v. Board of Education*, 330 U.S. 1, 18 (1947).

[2] *Torcaso v. Watkins*, 367 U.S. 488 (1961).

[3] *Engel v. Vitale*, 370 U.S. 421 (1962).

[4] *Abington School Dist v. Schempp*, 374 U.S. 203 (1963).

[5] *Ibid.*, p. 317.

[6] Erwin N. Griswold, "Absolute Is in the Dark," *Utah Law Review*, Vol. 8 (Summer, 1963), pp. 167, 177.

[7] Mark DeWolfe Howe, review of Stokes, *Church and State in the United States*, *Harvard Law Review*, Vol. 64 (November, 1950), pp.170-72.

[8] *United States v. Seeger*, 380 U.S. 163 (1965).

[9] Peter L. Berger, *The Noise of Solemn Assemblies*, (Garden City, N. Y., 1961).

[10] Perry Miller, *Roger Williams* (New York, 1962), p. 255.

[11] Mark DeWolfe Howe, *The Garden and the Wilderness*, (Chicago, 1965), Ch. 1.

[12] *Abington School Dist. v. Schempp*, 374 U.S. 203, 226 (1963).

[13] *Ibid.*, p. 225.

[14] Mark DeWolfe Howe, *The Garden and the Wilderness*, p. 11.

[15] *McGowan v. Maryland*, 366 U.S. 420 (1961). Church and State in Legal Perspective

Questions for Discussion

1. Do the three Supreme Court cases from which these selections are taken point up the potential contradiction between the two clauses of the First Amendment or their inherent compatibility?

2. Do the Supreme Court justices always mean the same thing by religion when they argue for its protection and against its abuses, or does the meaning of religion tend to change from opinion to opinion, justice to justice?

3. Do history and experience dictate that we should regard the religion clauses of the First Amendment as fixed principles or as flexible guidelines, and what sorts of assumptions about historical precedents, historical perspectives, and historical change follow in either case?

4. Can we ever escape the necessity, or at least the inevitability, of interpreting rules of law by figures of speech?

5. In light of what Mark De Wolfe Howe says about the existence of a *de facto* religious establishment in the United States that is simultaneously condoned and opposed by the Supreme Court, would it be truer to say that American religious pluralism has helped to generate such an establishment or tends to undermine it?

Chapter Three

Church and State in Comparative Perspective

Reading 9: Alexis de Tocqueville

From *Democracy in America*, by Alexis de Tocqueville, Vol. II (New York: Alfred A. Knopf, 1960).

The traditions and values of the United States have proved endlessly fascinating to observers from other countries, and these foreign observers in turn have furnished Americans with some of the most astute and searching interpretations of their own cultural institutions. Among such observers, none was more discerning or comprehensive than Alexis de Tocqueville, whose two-volume *Democracy in America* is accounted by historians and commentators alike as the most important book ever written about the United States.

In the present selection Tocqueville expresses his sense of the inherent incompatibility of democracy and traditional religion. This incompatibility stems from the fact that equalitarianism, as he understands it, tends to isolate human beings from one another and to concentrate each individual's attention upon him- or herself, thus eventually laying the soul open to an inordinate desire for sensuous and even material gratification. Religions, Tocqueville believed, being hierarchical and authoritarian, characteristically challenge such tendencies, and they do so in a way that brings them into direct conflict with the innermost tendencies of democracy.

Of all the observations Tocqueville makes, perhaps his most telling have to do with the importance of public opinion in a democracy. Tocqueville's point is that religions in equalitarian states must either take note of such opinion or risk losing the interest and respect of the people.

"How Religion in the United States Avails Itself of Democratic Tendencies" (1840)

* * *

It must be acknowledged that equality, which brings great benefits into the world, nevertheless suggests to men (as will be shown hereafter) some very dangerous propensities. It tends to isolate them from each other, to concentrate every man's attention upon himself; and it lays open the soul to an inordinate love of material gratification.

The greatest advantage of religion is to inspire diametrically contrary principles. There is no religion which does not place the object of man's desires above and beyond the treasures of earth, and which does not naturally raise his soul to regions far above those of the senses. Nor is there any which does not impose on man some duties toward his kind, and thus draw him at times from the contemplation of himself. This occurs in religions the most false and dangerous.

Religious nations are therefore naturally strong on the very point on which democratic nations are weak, which shows of what importance it is for men to preserve their religion as their conditions become more equal.

I have neither the right nor the intention of examining the supernatural means which God employs to infuse religious belief into the heart of man. I am at this moment considering religions in a purely human point of view; my object is to inquire by what means they may most easily retain their sway in the democratic ages upon which we are entering.

It has been shown that, at times of general cultivation and equality, the human mind consents only with reluctance to adopt dogmatical opinions, and feels their necessity acutely only in spiritual matters. This proves, in the first place, that, at such times, religions ought, more cautiously than at any other, to confine themselves within their own precincts; for in seeking to extend their power beyond religious matters, they incur a risk of not being believed at all. The circle within which they seek to restrict the human intellect ought therefore to be carefully traced, and, beyond its verge, the mind should be left entirely free to its own guidance.

* * *

In speaking of philosophical method among the Americans, I have shown that nothing is more repugnant to the human mind, in an age of equality, than the idea of subjection to forms. Men living at such times are impatient of figures; to their eyes, symbols appear to be puerile artifices used to conceal or to set off truths which should more naturally be bared to the light of day; they are unmoved by ceremonial obser-

vances, and are disposed to attach only a secondary importance to the details of public worship.

Those who have to regulate the external forms of religion in a democratic age should pay a close attention to these natural propensities of the human mind, in order not to run counter to them unnecessarily.

I firmly believe in the necessity of forms, which fix the human mind in the contemplation of abstract truths, and aid it in embracing them warmly and holding them with firmness. Nor do I suppose that it is possible to maintain a religion without external observances; but, on the other hand, I am persuaded that, in the ages upon which we are entering, it would be peculiarly dangerous to multiply them beyond measure; and that they ought rather to be limited to as much as is absolutely necessary to perpetuate the doctrine itself, which is the substance of religion, of which the ritual is only the form. A religion which should become more minute, more peremptory, and more charged with small observances, at a time when men are becoming more equal, would soon find itself reduced to a band of fanatical zealots in the midst of an infidel people.

* * *

We shall see that, of all the passions which originate in or are fostered by equality, there is one which it renders peculiarly intense, and which it also infuses into the heart of every man,—I mean the love of well-being. The taste for well-being is the prominent and indelible feature of democratic times.

It may be believed that a religion which should undertake to destroy so deep-seated a passion, would in the end be destroyed by it; and if it attempted to wean men entirely from the contemplation of the good things of this world, in order to devote their faculties exclusively to the thought of another, it may be foreseen that the minds of men would at length escape its grasp, to plunge into the exclusive enjoyment of present and material pleasures.

The chief concern of religion is to purify, to regulate, and to restrain the excessive and exclusive taste for well-being which men feel at periods of equality; but it would be an error to attempt to overcome it completely, or to eradicate it. Men cannot be cured of the love of riches; but they may be persuaded to enrich themselves by none but honest means.

This brings me to a final consideration, which comprises, as it were, all the others. The more the conditions of men are equalized and assimilated to each other, the more important is it for religion; whilst it carefully abstains from the daily turmoil of secular affairs, not needlessly to run counter to the ideas which generally prevail, or to the permanent interests which exist in the mass of people. For, as public opinion grows to be more and more the first and most irresistible of existing powers, the religious principle has no external support strong enough to enable it long to resist its attacks. This is not less true of a democratic people ruled by a despot, than of a republic. In ages of equality kings may often command obedience, but the majority always commands belief: to the majority, therefore, deference is to be paid in whatsoever is not contrary to the faith.

I showed in my former volume how the American clergy stand aloof from secular affairs. This is the most obvious, but not the only, example of their self-restraint. In America, religion is a distinct sphere, in which the priest is sovereign, but out of which he takes care never to go. Within its limits, he is master of the mind; beyond them, he leaves men to themselves, and surrenders them to the independence and instability which belong to their nature and their age. I have seen no country in which Christianity is clothed with fewer forms, figures, and observances than in the United States; or where it presents more distinct, simple, and general notions to the mind. Although the Christians of America are divided into a multitude of sects, they all look upon their religion in the same light. This applies to Roman Catholicism as well as to other forms of belief. There are no Romish priests who show less taste for the minute individual observances, for extraordinary or peculiar means of salvation, or who cling more to the spirit, and less to the letter, of the law, than the Roman Catholic priests of the United States. Nowhere is the doctrine of the Church which inhibits the worship reserved to God alone from being offered to the saints, more clearly inculcated or more generally followed. Yet the Roman Catholics of America are very submissive and very sincere.

Another remark is applicable to the clergy of every communion. The American ministers of the Gospel do not attempt to draw or to fix all the thoughts of man upon the life to come; they are willing to surrender a portion of his heart to the cares of the present; seeming to consider the goods of this world as important, though secondary, objects. If they take no part themselves in productive labor, they are at least interested in its progress, and they applaud its results; and whilst they never cease to point to the other world as the great object of the hopes and fears of the believer, they do not forbid him honestly to court prosperity in this. Far from attempting to show that these things are distinct and contrary to one another, they study rather to find out on what point they are most nearly and closely connected.

All the American clergy know and respect the intellectual supremacy exercised by the majority: they never sustain any but necessary conflicts with it. They take no share in the altercations of parties, but they readily adopt the general opinions of their country and their age: and they allow themselves to be borne away without opposition in the current of feeling and opinion by which everything around them is carried along. They endeavor to amend their contemporaries, but they do not quit fellowship with them. Public opinion is therefore never hostile to them: it rather supports and protects them; and their belief owes its authority at the same time to the strength which is its own, and to that which it borrows from the opinions of the majority.

Thus it is, that, by respecting all democratic tendencies not absolutely contrary to herself, and by making use of several of them for her own purposes, Religion sustains a successful struggle with that spirit of individual independence which is her most dangerous opponent.

Reading 10: James Bryce

From *The American Commonwealth*, by James Bryce, Vol. II (Third Edition; London: The Macmillan Co., 1899).

In his *The American Commonwealth*, which was first published in 1888 after five visits to the United States, Lord Bryce made some important observations about the relations between church and state at the end of the nineteenth century. He takes the view that religion does not interfere with the public realm in America even though Christianity has become something like the national religion of the country. In addition to the way the arguments for the separation developed in the colonial era, Lord Bryce feels that the contemporary form of the separation of church and state owes a great deal to the unusual but limited conception of the state which Americans have formed over the years. To Americans, Lord Bryce points out, the state is not a moral ideal charged with the responsibility to form the character and oversee the lives of its citizens. It is more like a large commercial enterprise whose function is to manage the business of all who belong to it and have a vested interest in its future but who leave the actual administration of this business to the shareholders and their officers. Paradoxically, the effect of this view of the state is that it permits national and state government to accord the Christian religion a kind of recognition that is inconsistent with the view that religious authority should be separated from civil authority. Not only does civil authority legitimate and express itself with the help of religion; the American people conceive their commonwealth as unique because it is composed of religiously-minded citizens who acknowledge their prosperity as a nation to be the result of a favoring Providence.

"The Churches and the Clergy"

It is accepted as an axiom by all Americans that the civil power ought to be not only neutral and impartial as between different forms of faith, but ought to leave these matters entirely on one side, regarding them no more than it regards the artistic or literary pursuits of the citizens. There seem to be no two opinions on this subject in the United States. Even the Protestant Episcopalian clergy, who are in many ways disposed to admire and envy their brethren in England; even the Roman Catholic bishops, whose creed justifies the enforcement of the true faith by the secular arm, assure the European visitor that if State establishment were offered them they would decline it, preferring the freedom they enjoy to any advantages the State could confer. Every religious community can now organize itself in whatever way it pleases, lay down its own rules of faith and discipline, create and administer its own system of judicature, raise and apply its funds at its uncontrolled discretion. A church established by the State would not be able to do all these things, because it would also be controlled by the State, and it would be exposed to the envy and jealousy of other sects.

* * *

The abstention of the State from interference in matters of faith and worship may be advocated on two principles, which may also be called the political and the religious. The former sets out from the principles of liberty and equality. It holds any attempt at compulsion by the civil power to be an infringement on liberty of thought, as well as on liberty of action, which could be justified only when a practice claiming to be religious is so obviously anti-social or immoral as to threaten the well-being of the community. Religious persecution, even in its milder forms, such as disqualifying the members of a particular sect for public office, is, it conceives, inconsistent with the conception of individual freedom and the respect due to the primordial rights of the citizen which modern thought has embraced. Even if State action stops short of the imposition of disabilities, and confines itself to favouring a particular church, whether by grants of money or by giving special immunities to its clergy, this is an infringement on equality, putting one man at a disadvantage compared with others in respect of matters which are (according to the view I am stating) not fit subjects for State cognizance.

The second principle, embodying the more purely religious view of the question, starts from the conception of the church as a spiritual body existing for spiritual purposes, and moving along spiritual paths. It is an assemblage of men who are united by their devotion to an unseen Being, their memory

of a past divine life, their belief in the possibility of imitating that life, so far as human frailty allows, their hopes for an illimitable future. Compulsion of any kind is contrary to the nature of such a body, which lives by love and reverence, not by law. It desires no State help, feeling that its strength comes from above, and that its kingdom is not of this world. It does not seek for exclusive privileges, conceiving that these would not only create bitterness between itself and other religious bodies, but might attract persons who did not really share its sentiments, while corrupting the simplicity of those who are already its members. Least of all can it submit to be controlled by the State, for the State, in such a world as the present, means persons many or most of whom are alien to its beliefs and cold to its emotions. The conclusion follows that the church as a spiritual entity will be happiest and strongest when it is left absolutely to itself, not patronized by the civil power, not restrained by law except when and in so far as it may attempt to quit its proper sphere and intermeddle in secular affairs.

Of these two views it is the former much more than the latter that has moved the American mind. The latter would doubtless be now generally accepted by religious people. But when the question arose in a practical shape in the earlier days of the Republic, arguments of the former or political order were found amply sufficient to settle it, and no practical purpose has since then compelled men either to examine the spiritual basis of the church, or to inquire by the light of history how far State action has during fifteen centuries helped or marred her usefulness. There has, however, been another cause at work, I mean the comparatively limited conception of the State itself which Americans have formed. The State is not to them, as to Germans or Frenchmen, and even to some English thinkers, an ideal moral power, charged with the duty of forming the characters and guiding the lives of its subjects. It is more like a commercial company, or perhaps a huge municipality created for the management of certain business in which all who reside within its bounds are interested, levying contributions and expending them on this business of common interest, but for the most part leaving the shareholders or burgesses to themselves. That an organization of this kind should trouble itself, otherwise than as matter of policy, with the opinions or conduct of its members, would be as unnatural as for a railway company to inquire how many of the shareholders were total abstainers. Accordingly it never occurs to the average American that there is any reason why State churches should exist, and he stands amazed at the warmth of European feeling on the matter.

Just because these questions have been long since disposed of, and excite no present passion, and perhaps also because the Americans are more practically easygoing than pedantically exact, the National government and the State governments do give to Christianity a species of recognition inconsistent with the view that civil government should be absolutely neutral in religious matters. Each House of Congress has a chaplain, and opens its proceedings each day with prayers. The President annually after the end of harvest issues a proclamation ordering a general thanksgiving, and occasionally appoints a day of fasting and humiliation. So prayers are offered in the State legislatures, and State governors issue proclamations for days of religious observance. Congress in the crisis of the Civil War (July, 1863) requested the President to appoint a day for humiliation and prayer. In the army and navy provision is made for religious services, conducted by chaplains of various denominations, and no difficulty seems to have been found in reconciling their claims. In most States there exist laws punishing blasphemy or profane swearing by the name of God (laws which, however, are in some places openly transgressed and in few or none enforced), laws restricting or forbidding trade or labour on the Sabbath, as well as laws protecting assemblages for religious purposes, such as camp-meetings or religious processions, from being disturbed. The Bible is (in most States) read in the public State-supported schools, and though controversies have arisen on this head, the practice is evidently in accord with the general sentiment of the people.

The matter may be summed up by saying that Christianity is in fact understood to be, though not the legally established religion, yet the national religion. So far from thinking their commonwealth godless, the Americans conceive that the religious character of a government consists in nothing but the religious belief of the individual citizens, and the conformity of their conduct to that belief. They deem the general acceptance of Christianity to be one of the main sources of their national prosperity, and their nation a special object of the Divine favour. . . .

Reading 11: Denis Brogan

From THE AMERICAN CHARACTER by Denis W. Brogan. © 1944, 1956 by Denis W. Brogan. Reprinted by permission of Alfred A. Knopf, Inc.

Denis Brogan, one of the most acute English students of American morals and manners, has always been sensitive to the way social forms of behavior reveal deep and persistent traits in the American character. Here he responds to the American fascination with particular words and phrases and shows how the fondness for public oratory in the United States, which gives broad cultural expression to ethical pieties with a strong national ring, possesses an irresistable but often far from fully logical hold on the American mind. Brogan is here suggesting that many of our deepest commitments as a people, and not only our social and political commitments, are to be found in these verbal formulas to which Americans possess such a strong emotional attachment. In short, Americans are a people whose sense of national identity is not only revealed and expressed by their rhetoric but in some significant sense is created by their rhetoric.

From The American Character

America is promises but America is words, too. It is built like a church on a rock of dogmatic affirmations. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." "We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution." These are only two of the most famous assertions of faith in things unseen, of dogmatic articles denied in good faith by many non-Americans but asserted in good faith by millions of Jefferson's countrymen from July 4th, 1776 to this day. How absurd an ambition for a people to attempt, by a written constitution, to "establish justice"! It is an ambition to make lawyers laugh and philosophers weep. "To promote the general welfare"; what is this entity so confidently labeled? What an overlapping ambition of the Supreme Court to apply not known statute or case law but "the rule of reason"! What complacent courage in the founders of the Massachusetts Bay Company to identify the decision of John Winthrop, Richard Saltonstall, and the rest to transplant themselves to New England with "the greatness of the work in regard of the consequence, God's glory and the churches good"! Nevertheless, Massachusetts was founded, and a Saltonstall is governor in this year of grace, 1944, more than three hundred years later. There have been other consequences, too. What (possibly non-spontaneous) wisdom was shown by Lord Baltimore and the other Catholics of Maryland who in 1649 noted the evils arising from "the inforcing of the conscience in matters of Religion" and so came out for the toleration of all Christians—this in an age when the Inquisition was still going strong, a year after the Peace of Westphalia, the year of the massacre at Drogheda by Cromwell, a generation before the revocation of the Edict of Nantes? With what Hebraic confidence in their mission did the people of Massachusetts in 1780 acknowledge "with grateful hearts the goodness of the great Legislator of the universe, in affording us, in the course of His Providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit, and solemn compact with each other; and of forming a new constitution of civil government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design, do agree upon, ordain and establish, the following Declaration of Rights and Frame of Government, as the Constitution of the Commonwealth of Massachusetts." Only a lively conviction of divine interest and direction could have justified so extravagant a hope as that by the mere separation of legislative, executive, and judicial powers the people of Massachusetts or any people could establish a "government of laws and not of men."

But these aspirations, these hopes, extravagant or meaningless as they may seem to the critical, have been fighting words, hopes and beliefs leading to action. So have been the phrases, the slogans, authentic, apocryphal, half-authentic, with which American history and American memory is filled. This is no country where "what Mr. Gladstone said in 1884" is a comic mystery. These echoes from a heroic if overdramatized past resound still. "Give me liberty or give me death!" "In the name of the Great Jehovah and the Continental Congress!" "First in war, first in peace, first in the hearts of his countrymen." "Don't give up the ship." "We have met the enemy and they are ours." "Our federal union, it must be preserved." "Look at Jackson's men, standing like a stone wall!" "With malice toward none." "Public office is a public trust." "You may fire when ready, Gridley." "Don't cheer, boys! the poor devils are dying." "Make the world safe for democracy." "One third of a nation." The American man-in-the-street may not attribute all these slogans correctly. He may think it was Lawrence of U.S.S. *Chesapeake* who said "Don't give up the ship"; almost uniformly he thinks it was Washington who warned against "entangling alliances," whereas it was Jefferson. And he *will* mix them up with texts from Scripture. He may have no more knowledge of the historical context than had the badly frightened citizen who, rescued from a lynching bee, protested: "I didn't say I was against the Monroe Doctrine; I love the Monroe Doctrine, I would die for the Monroe Doctrine. I merely said I didn't know what it was." Not all his slogans are reverent. He may, at times, fall back on "Oh, yeah" or the more adequate "however you slice it, it's still baloney." But he knows too much to despise the power of speech, to think

that Bryan was adequately described when he was compared to the Platte River of his native Nebraska: "Five inches deep and five miles wide at the mouth." The power of even bad oratory is still great. The power of good oratory is greater.

So the American suspends his irony when a recognized public figure is speaking, or even when he is merely "sounding off." The American audience listens patiently, even happily, to dogmatic and warm statements in favor of the American constitution, home, woman, business, farmer. An American college president (from the deep South) has been known to impose a severe strain on the discipline of the undergraduates of an Oxford college by addressing them as "clean limbed clear-eyed boys." A pastor has been known to describe casting a ballot as a "political sacrament." Senator Vest's panegyric on the dog is only recently condemned as too lush, and a tribute to Southern womanhood is engraved on the [illegible]al of a statue to a forgotten statesman in Nashville, T[illegible].

In Chambers of Commerce, at Rotary Club meetings, at college commencements, in legislatures, in Congress, speech is treated seriously, according to the skill and taste of the user. There is no fear of boss words or of eloquence, no fear of cliches, no fear of bathos. In short, Americans are like all political peoples except the British. It is the countrymen of Burke and Gladstone and Asquith and Churchill who are the exception. But the difference has now the importance of an acquired characteristic. The British listener, above all the English listener, is surprised and embarrassed by being asked to applaud statements whose truth he has no reason to doubt, but whose expression seems to him remarkably abstract and adorned with flowers of old-fashioned rhetoric. It is in Congress, not in the House of Commons, that a speaker can safely conclude a speech on the reorganization of the civil service with a parallel between the Crucifixion and what the then incumbent of the White House had to go through. It is in all kinds of American public meetings that speakers can "slate" and "rap" and "score" and "blast"–to the advantage of headline writers. No words, it seems, can be strong enough to express the passionate feelings involved. It is not quite so bad or good as that; American politicians, American orators, are not so burned-up as they seem. But it must not be forgotten that they are often quite annoyed, quite worried, quite angry; that they are taking really quite a dim view, even when all they can find to express their mood, verbally, is a statement that the American way of life is due to end on the first Tuesday after the first Monday in November every four years. If an American–even a Senator–asks, "Is civilization a failure, or is the Caucasian played out?", it is not necessary to despair. All Americans dislike being beaten at poker and, for the greater gaiety of nations, don't mind saying so.

It is not merely that Americans like slogans, like words. They like absolutes in ethics. They believe that good is good, even if they quarrel over what, in the circumstances, *is* good. It was an American, true, who said: "My country, right or wrong. May she always be right. But, right or wrong, my country!"*

But this sentiment is in advance of that of many simple patriots in other lands who cannot conceive that their country could be wrong, who feel no possible risk of moral strain, and who would agree with the British naval officer who thought that even posing the question was improper conduct in an instructor of British naval cadets. To condemn a thing simply as un-American is often foolish, but no more foolish than to condemn a thing merely as un-English. And since the Americans are very articulate about the content of Americanism, while being English is a thing in itself, there is slightly more chance of there being meaning in "un-American" than in "un-English."

This national fondness for oratory, for slogans, has another cause or another result. It was an English Puritan leader on trial for his life who said of the execution of Charles I: "This thing was not done in a corner." It was a very American attitude. What Wilson preached–"open covenants openly arrived at"–is what the American people wants and expects to get. Like Wilson, it exaggerates the degree to which this standard of public negotiation is practicable. It is not always possible to negotiate under the klieg lights of congressional or press publicity. There are sometimes good reasons not only for secret negotiations but for confidential commitments. But they have to be very good reasons, advanced by leaders, native or foreign, in whom the American people have trust–and that trust will not be unlimited. No American leader, certainly not Washington or Lincoln, not Jackson or Jefferson at the height of their power, was thought to be above criticism or even above a certain degree of legitimate suspicion. Whitman, when he wrote of "the never-ending audacity of elected persons," voiced a general American belief that all leaders bear watching and that they are in duty bound to make frequent reports on the state of the Union, with or without aid of a fireside. The Americans are all, in this connection, from Missouri; they have got to be shown. They have also got to be told, and so has the world. Again, it is a powerful American tradition at work. Every American child used to learn by heart and many still learn by heart a famous plea for telling the world. For the most sacred of all American political scriptures, the Declaration of Independence, opens with a preamble justifying publicity. "When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth, the separate and equal stati[illegible] to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them

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*I have used the popular, not the correct, version of the dictim of Commodore Decatur, U.S.N.

to the separation."

The Americans expect from their own leaders—and from the leaders of other countries—a regard for the "Laws of Nature and of Nature's God"; they also expect a "decent respect to the opinions of mankind"—publicly manifested in reasons given and discussed with what may seem excessive freedom and candor of comment. It is a view which gives rise to awkwardness and annoyance, but that can't be helped. The ablest modern publicist, native or foreign, is no match for one of the two greatest writers of political prose who have been Presidents of the United States. And, since I have talked so much of the American passion for oratory, for the spoken word, it is worth recalling that Thomas Jefferson, one of the finest figures in American history, was also easily the worst public speaker of his time, perhaps of any time.

"A decent respect to the opinions of mankind." It is still a phrase to be remembered. It means that the American man-in-the-street expects to get the low-down on all secret conferences, to have international decisions supplied to him before the participants have had time to put their smiles on and pose for the group photograph. If this demand is not forthcoming from official sources, it is provided from unofficial sources. Commentators of varying degrees of knowledge, candor, truthfulness, ingenuity, intelligence, explain and announce. Wildly conflicting guesses are made with equal confidence, and the reader and listener is given a wide range of confidential misinformation—as is his right. The outsider may wonder at the willing suspension of disbelief on which the commentators can count. He may think that Tom Sawyer was a notably representative American in his insistence on romantic possibilities in face of drab and dreary realities. He may wonder whether an eminent law professor has any particular authority for his views on the connection between British policy and Rumanian oil. He may wonder whether anybody wanting to keep a secret would tell it to Walter Winchell or even dare to enter the Stork Club. But these doubts are irrelevant. For the dispensers of secrets are catering to a public that has a village horror of the successful privacy of its neighbors. This public cannot see why Mr. Roosevelt should want to keep his political intentions quiet, any more than Mr. Tommy Manville keeps his matrimonial intentions quiet. Of course, he may try, as a football coach keeps his secret plays quiet if the scouts from other colleges let him. But it is the duty of columnists and Senators to tell all, as soon as they have discovered it or even before. And no agreement that needs to be kept dark for any length of time has any chance of success in the United States. For the American Republic is much more like the Athenian than like Venetian Republic. And Americans, though they have a great deal to do, have in common with Saint Paul's Athenian audience a continuous eagerness "to tell or to hear some new thing."

But there is more behind it than this passion for information, for an elaborate version of corner-grocery gossip. The American Republic was founded in the days of the "secret du roi," in the days when Wilkes was, with some difficulty, made a martyr of for revealing the secret of Parliament. A world in which great decisions were made by kings or oligarchies in secret, and the results communicated to docile subjects, this was the world against which the founders of the American Republic revolted. True, great things have been done in secret even in America. The Constitution was made in secret—it could not have been made in public even if the art of eavesdropping had in those days been practiced as expertly as it is now. But it was presented, quickly and in its final form, to the American people, presented to be accepted, or rejected or amended. Only so could "We the People of the United States" be committed. Only so can they be committed today.

Questions for Discussion

1. Does Tocqueville's analysis of the potential incompatibility of democracy and religion stand up in the light of subsequent historical experience?

2. What do you make of Lord Bryce's contention that the only reason Americans have been able to square the authority they accord the Christian religion with their Constitutional tradition of the separation of church and state is the unique view of the state most Americans possess?

3. Does Lord Bryce's contention that Americans have tended to conceive of the state in relation to a commercial rather than a moral model bear any relation to Tocqueville's perception that democracy inherently encourages a sense of individual and material well-being that is at least partially, if not largely, inimical to the interests of religion?

4. Does Denis Brogan's argument for the ethical and spiritual efficacy of public rhetoric in the United States undercut or confirm the claim that Americans are a deeply religious people?

Chapter Four

Church and State in Theological Perspective

Reading 12: Reinhold Niebuhr

From *Reinhold Niebuhr on Politics*, edited by Harry R. Davis and Robert C. Good. © 1960 Charles Scribner's. Reproduced with the permission of Charles Scribner's Sons.

Reinhold Niebuhr was for many years one of the leading Protestant theologians in America and a powerful spokesman for what was called the neo-orthodox point of view. In the selection reprinted here, which is actually a composite of statements drawn from many of his books and essays, Niebuhr displays his sensitivity to the danger of identifying the Church or any other social institution, ecclesiastical or civil, with the will of God. As a corrective to this tendency, which in the period following World War II seemed strongest among Roman Catholics, Niebuhr urges a recovery of the prophetic element in Christianity. The question for Christians is not how to make society Christian in its polity or politics but how to make society Christian in its character, its culture. On these grounds Niebuhr is prepared to support the doctrine of separation. What the First Amendment intended to prevent was the establishment of a religious monopoly. What the First Amendment can promote, when carefully interpreted, is a set of circumstances that will better enable the Church to bear witness to its own faith of judgment against all forms of vainglory and promise to all who are repentant.

"The Churches and the State"

Like the individual Christian, the Church as a community and institution must face the challenge of making its social teachings and actions relevant and responsible, while avoiding moralism and fanaticism. This is a peculiarly difficult task, considering how easily religion lends itself to the pretension of possessing absolute truth and virtue.

Ideally, the Church, which defines what is truth or error, is not itself one of the forces contending in society for an advantage, but is a transcendent community above all contending forces. All of us who are Christians believe that the Church holds the "Oracles of God"–that is, that it is a community of grace, testifying to the final truth about life as given in the Christian revelation. But the fact is that this transcendent community is also an interest group, through the sins and interests of its members. Indeed, since the historic Church is always touched with human finiteness, is subject to sociological forces and pressures, and victim of the prejudices and illusions of particular ages, any tendency to obscure or deny this fact becomes the final and most terrible expression of human sinfulness. Yet of that sin no Church has been free.

When the sanctification of the Church is extended to the sanctification of political programs, movements, or systems, the baneful effects are compounded. One need not be a secularist to believe that politics in the name of God is of the devil. This should be obvious to right-minded religious people, for religious politics invariably gives an ultimate sanction to highly ambiguous political programs. Every political policy, however justified, must be regarded as ambiguous when it is related to the ultimate sanctity. Since the political order inevitably deals with power, a religious politics always means the identification of some position of power with God.

Protestants may believe, and not without a measure of truth, that this sin of profaning the Holiness of God, of using His Name in vain, is a particular danger in Catholicism, for Catholicism has a doctrine of the Church in which what is human and what is divine in the Church are constantly subject to a confused identification of the one with the other. The Catholic Church tends to identify the historic Church with the Kingdom of God, and too often its final criterion is what a political movement promises or does not promise to the historic Church. It is therefore forced at times to give preference to movements which deserve plainly to be condemned on grounds of justice. Other expressions of this error are, of course, the Church's commitment to the deductive and intuitive "rational," inflexible propositions of "natural law," and its sanctioning of religious political parties, which are dangerous because they tend to identify the moral ambiguities of politics with eternal sanctities, the result being that almost any kind of struggle can be interpreted as a contest between Christ and Antichrist.

Catholicism's uncritical attitude toward the Church is sometimes tranferred even to a Christian state, that is, a state in which God is explicitly acknowledged as Lord. While there is an undoubted difference between a pagan community which acknowledges no sovereignty beyond its own will and knows no majesty beyond its own pride and a "Christian" state which

recognizes an ultimate Majesty and Judge, it is the general tendency of Catholic political thought to over-estimate this explicit acknowledgment and to obscure the fact that all particular communities in history, as indeed all individuals, tend to an idolatrous self-worship, even when they are officially or formally "Christian." Thus the inclination of Catholicism to exempt the Church from involvement in sin tends to political views in which Christian states partly participate in this exemption.

A Protestant critic can easily detect that Catholic conceptions of sin and grace underlie this predeliction for an established church and a "Christian state." The Catholic believes that men seek their own ends because they have lost God and that if they find God again they may be redeemed of their self-worship and of the social anarchy which results when the immediate ends of life are transmuted into ultimate ends. The Protestant takes a more serious view of sin. He does not believe that even Christians, who sincerely worship God, are free of the sin of self-glorification. For this reason he is afraid of an authoritarian society. He is quite certain that any elite group endowed with social power will in the end be corrupted.

Despite these serious misgivings, it must be pointed out that most American non-Catholics have a very inaccurate concept of Roman Catholic political thought and life. In this concept, it is assumed that if Catholics anywhere had their way, they would at once build a political structure as much like Spain's as possible. For Catholicism is often judged solely as it shows itself in old and decaying feudal structures, whether in Spain or South America or even in French Canada. People who argue this way usually ignore the relationship of Catholicism to the political life of modern industrial society. Thus they underestimate the resources of Catholicism for preserving justice and stability in a free society, once established. They do not do justice to the role of Catholicism in the free societies in America, France, Germany and Western Europe. They do not realize, for instance, what a contribution the Catholic conception of the superiority of political authority over the economic process made in avoiding the aberrations of both doctrinaire "free enterprise" economics and contrasting Marxist aberrations. Nor do these criticisms take account of the practical effects of the Church's ability to qualify the class antagonisms in industrial society by holding the loyalty of the industrial classes and allowing their viewpoints to color the political positions of Catholic political parties. It was this achievement, together with a Christian check on extreme nationalism, which gave Catholicism such a stabilizing influence in an otherwise unstable Weimar Republic, and which determines the creative force of the Catholic parties in modern France and Western Germany.

It is hardly necessary to expound the realities of the American scene. Fortunately we do not have religious parties. But it would be well for Protestants who talk about the "reactionary" tendencies of Catholicism to remember that, in religious terms, the main political struggles in America would appear to be between Jews and Catholics who are left of the center and Protestants who are right of it.

Of course, the process which makes for this dangerous alliance between religion and power is not confined to any one type of Christian religion, or even to the Christian religion as such. It is in fact such a perennial factor in human history that it must be ascribed to a basic difficulty of human spirituality. Only a religion which worships a God before whom the princes of the world are as nothing, and which is able to convict of sin the mighty as well as the lowly, is capable of dealing with this difficulty of human spirituality.

Thus our constitutional fathers quite obviously and quite rightly wanted to prevent the establishment of religious monopoly. That is the clear meaning of the First Amendment. It is not at all clear that they sought to prevent the state's support of religion absolutely, provided such support could be given equitably to all religious groups. Whether that should be done is a question of public policy upon which we may have different opinions. It may well be that the religious heterogeneity of America is such that the state support of religion is not advisable.

But we ought not to prejudge that issue in the name of a principle of "separation of church and state" which in exact constitutional terms goes no further than the prohibition of the establishment of one religion and the suppression of others. Though it is important to resist all pressures which would give any religious group a special advantage in our nation, it might be worth noting that there is no one ideal solution of the problem of the relation of church and state. Our American principle of complete separation is a valuable heritage; but no one can deny that the price we pay for it is the official secularization of our culture.

Nevertheless for Protestantism it is not so important that a "Christian" society have a Christian ruler as that it have a Christian prophet, which is to say the society must be Christian in its culture rather than officially Christian in its political relations. If the faith of the society is Christian it is possible for the Christian Church to exist within it, and it is possible for individuals on the authority of that Church to preach the judgment of God upon men and upon nations, including their own nation. The Christian Church must bear witness against every form of pride and vainglory, whether in the secular or in the Christian culture, and be particularly intent upon our own sins lest we make Christ the judge of the other but not of ourselves.

But the experience of repentance does not stand alone. It is a part of a total experience of redemption. Positively our task is to present the Gospel of redemption in Christ to nations as well as individuals. According to our faith we are always involved in sin and in death because we try too desperately to live, to preserve our pride, to maintain our prestige. Yet it is possible to live truly if we die to self, if the vainglory of

man is broken by divine judgment that life may be truly reformed by divine grace.

Reading 13: John C. Bennett

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John C. Bennett, a Christian social ethicist and Protestant spokesman, is careful to state that there is no Protestant position on the relation between church and state. Specific Protestant groups, like the Baptists, have developed very precise views on the subject, but the Protestant churches as a whole have made no attempt to define an official position on this issue. Nonetheless, Protestantism in America has generally favored the separation of church and state, and Bennett elaborates on some of the most compelling reasons. First, Protestants have supported the American doctrine of separation between church and state because it assures greater freedom for the church. Second, Protestants have supported separation because it protects the state from control by the church. And, third, Protestants have pushed for separation because they regard it as better for the church to be independent.

"Patterns of Church-State Relations—Grounds for Separation"

There is no Protestant doctrine concerning Church-State relations. There is a Baptist doctrine that is very clear and that has always had great influence in this country. There is an American doctrine which has been developing since the beginning of the Republic and some aspects of it are still being clarified by the courts.

* * *

When the Federal Government was formed, it was possible to begin with a clean slate so far as its relation to Churches was concerned. Today the idea of separation of Church and state is so much taken for granted in this country that it is difficult to realize what an adventurous step it was. The Constitution itself prohibits all religious tests for federal office holders and this was an important start in separating the Church from the state though of itself this is not inconsistent with some forms of religious establishment. Religious tests were abandoned in Britain over a century ago. The very general words of the First Amendment to the Constitution laid down the lines along which our institutions were to develop: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." This amendment did not apply to the states but only to the actions of Congress, and it was not until 1923[1] that in matters of religious liberty the guarantee of liberty by the Fourteenth Amendment ("Nor shall any State deprive any person of life, liberty, or property, without due process of law") was extended to actions by the states.

It should be noted that the word "separation" is not in the constitution. It was Jefferson's word and it came to be the popular American word for this constitutional provision; later the Supreme Court was to use Jefferson's metaphor, "wall of separation," as a fitting description of the American Church-State pattern. I agree with those who believe that this is an unfortunate metaphor because there can be no such wall between institutions which have to so large an extent the same constituency and which share many of the same concerns for the same national community. I also believe that it would have been better if the popular word for the American system were "independence" rather than "separation."[2] But, I am not quibbling over that and in what follows I shall speak of the separation of Church and state.... There are three reasons why I believe that this general pattern of "separation" is best for both Church and state and that changes in other countries which have established Churches should be (and, in fact, are) in this direction.

(1)The first reason for emphasizing the separation of Church and state is that it is the only way of assuring the complete freedom of Church: Established Churches in Europe are all attempting to gain the substance of freedom but this still remains a difficult struggle. Anglican leaders now declare that if the British Parliament ever again uses its acknowledged legal right to interfere with the doctrine or worship of the Church, the Church must insist on its freedom even at the cost of disestablishment.[3]

In this country the freedom of the Church from state control is not a real problem. Freedom of the Church from control by the community or by movements of public opinion is a problem, but I am not discussing that here. The Church-State problems that call for solution in this country are basically in a

different area, but they usually raise the question as to whether the Church should relate any of its efforts or its institutions to the state in such a way that the state might come to exercise control over them. But no one suspects any agency of the state in this country of trying to dictate to the churches. I remember how great a furor there was when Mayor La Guardia of New York, who was in charge of civil defense during the Second World War, sent around to the clergy some very innocent suggestions concerning a sermon that might be preached. This was a blunder on his part, as he soon learned, but he obviously had no intention of trying to dictate to the clergy. The American Churches are extremely sensitive on matters of this sort. For example, it took a long time for enough of them to agree to have the Federal Social Security made *optional* for ministers on the basis of self-employment to enable this to become law, though it is difficult to see how this can threaten the freedom of the Church. If any Churches become lax on matters affecting their freedom they get a strong reminder from the Baptists who are in a special way watch-dogs concerning the freedom of the Church, and it is good to have them perform this function.

* * *

In this country the Churches live independently with a friendly state and the American form of separation is in the first instance as good a guarantee of the freedom of the Church as Churches have ever had in their long history.

(2)The second reason for believing in the separation of Church and State is the preservation of the state from control by the Church. This freedom from control by the Church takes two forms. One is freedom from ecclesiastical pressure on the state itself on matters of public policy. In a later chapter I shall discuss what forms of influence or even pressure by the Churches upon the state are not open to objection. Much of this influence or pressure is a part of the democratic process itself. When the constituencies of Churches express their views on public questions, this is a part of the process of the formation of public opinion. There is nothing about the role of the Church here that need be regarded as unfair pressure or ecclestiastical manipulation.

* * *

There is another aspect of this freedom of the state from Church control which is related to the ecclesiastical pressure upon government but it is in itself so central in the concern of Americans that I shall lift it up for special emphasis: the freedom of all religious minorities, and of those who reject all forms of religious faith, from pressure from any Church or group of Churches of the kind that comes through the use of the power of the state.

Today when Church-State problems are discussed in this country the one concern that ranks above all others is the fear that one Church or a group of Churches may finally be able to use the state to bring about discrimination against citizens on grounds of religion or to limit the freedom of any religious bodies. The people who belong to no religious body are afraid that all religious bodies may combine against them. The Jewish community usually takes their part because it fears that if there is any such combining of religious bodies, the Christians will control the combination. So, Jews take their position with the Baptists as watch-dogs in all matters that affect religious liberty. Both in practice often make common cause with the various forms of secularists.

* * *

The religious liberty which we have in this country and which we should seek to preserve here and to encourage in every country is, of course, not only liberty within the walls of the church. Religious liberty should include in addition to this the liberty of public witness, of evangelism. It should be the liberty not only to convert, but also to be converted in the sense of changing one's religious affiliation. It should be the liberty of public teaching not only about religious matters in the narrow sense, but also about all social, economic and political questions concerning which there is a religious judgment. It should include the liberty of Churches and other religious institutions to do all that is necessary to preserve their freedom as organizations, to hold property, to choose their own leaders. It is significant that the First Amendment in the very sentence that speaks of religious liberty also mentions freedom of speech, of the press, of "the right of people peaceably to assemble, and to petition the government for redress of grievances." It is fitting that religious liberty should be related so closely to these other liberties for there can be no religious liberty unless there is religious freedom to speak, unless there is freedom for religious books and periodicals, unless there is freedom for congregations and many other religious groups to assemble, and unless there is freedom to petition on all matters that affect the rights of Churches or of the individual conscience. Whenever any state clamps down on these rights of citizens on political grounds, religious liberty even in the narrowest sense is in danger for there is always the possibility of claiming that religious teaching is politically subversive. And when governments clamp down on religious liberty, any group of citizens who express political ideas that are regarded as subversive may be accused of religious heresy. So interdependent are all these freedoms of the mind and spirit.[4]

(3) The third reason for emphasizing the separation of Church and state is that it is best for the Church to be on its own. Here we can distinguish between two considerations.

The first is that in contrast to the experience of the national Church, it is important to have a Christian body that

is distinguishable from the national community. Where the national Church does include almost the whole nation it is difficult to find any such body at all except the clergy. They in their training and function are set apart; they are the visible churchmen. I have referred to the fact that there is in some national churches no synod representing clergy and laymen and the reason for this is that the national parliament is supposed to act in that capacity for most of its members are baptized churchmen. Once there was reality behind this arrangement, but now it is fictional and very bad for the Church. I should emphasize the fact that most national Churches are fully aware of the problems to which I refer and changes are rapidly taking place.

* * *

The second consideration which is involved in the proposition that it is best for the Church to be on its own is that a free Church must support itself. It cannot rely on funds from the state or on the remarkable system of church-taxes which are compulsory for all who acknowledge membership in the Church even though such membership is not compulsory. It is our experience in the United States that the activity of the laymen in their financial support of the Church has created an extraordinary momentum of lay interest in the Church. It is significant that the Churches that have to support themselves have the greatest resources available for missions and other benevolences. At the present time, the vitality of the American Churches amaze all who observe it and this vitality is in considerable measure the result of the very active and often sacrificial interest of the laymen. The Church's use of laymen increases their sense of responsibility and their loyalty to the Church. I realize that there is much debate as to how much depth or how much understanding of the Gospel or how much distinctively Christian commitment there is in all of this lay activity. Certainly it is all very mixed. The popularity of the Church does tend to lead to the secularizing of the Church and it is ironical that Churches that are not national Churches in this country actually seem more organic to the community as a whole than do national Churches. But after all of the criticisms of this vitality in the American Churches, one can hardly deny that it provides a tremendous opportunity for the Churches to mediate the truth and the grace of the Gospel to people.

* * *

In this chapter I have set forth the main reasons for believing in the separation of Church and state. I have always kept in mind the fact that these reasons have a special application to the United States but, while they do not necessarily suggest that the American form of separation is good for all countries, they do suggest that older forms of the national Church should everywhere give way to new patterns which do justice to the freedom of the Church, to the religious liberty of all citizens and to the need of developing distinctively Christian communities characterized by lay initiative.

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[1]Anson Phelps Stokes, *Church and State in the United States* (Harper, 1950), Vol. I, p. 591.

[2]This position is well stated in Merrimon Cunninggim's *Freedom's Holy Light* (Harper, 1955), Chap. IV.

[3]Archbishop Temple wrote in 1928: "If Parliament uses its unquestioned legal right to restrict the Church's freedom in this field (the determination of its own modes of worship), the Church must act through its own organs, and leave the State to do what it thinks right." I have heard Archbishop Temple say that establishment was good for the state but bad for the Church. It is obvious that if it is too bad for the Church it is not good for the state. (See Temple, *Christianity and the State*, pp. 195-196.) Archbishop Garbett, writing in 1950, took the same view about the freedom of the Church. He said: "If these freedoms (such as the freedom to control its own worship) should be deliberately and decisively refused by Parliament, then the Church would be compelled to ask for disestablishment with full knowledge that some disendowment will accompany it." *Op. cit.*, p. 157.

[4]For a careful analysis of all these elements of religious liberty see, M. Searle Bates, *Religious Liberty: An Inquiry* (Harper, 1945), especially pp. 300-310.

Reading 14: John Courtney Murray, S. J.

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In this selection, Father Murray attempts to analyze the several different ways the First Amendment has been interpreted dogmatically rather than legally. As a thoughtful Roman Catholic, he is convinced that this has only led to bad dogma as well as bad law.

There are, in all, three different ways the First Amendment has been read religiously. The two most obvious are defined by those who see in these articles certain Protestant religious tenets and those who see in them the ultimate presuppositions of a secular liberalism. But in practice, Father Murray believes, the differences between these two groups tend to disappear in a third group which he designates the secularizing Protestants. This is the group which identifies its Protestantism with secular American culture and considers the church to be an adequate repository of their faith to the degree that it is organized around the principles of secular democratic society and seeks to promote the liberal and secular concept of intellectual freedom, which is often and, from Father Murray's perspective, wrongly associated with the thought of Roger Williams.

"Theologies of the First Amendment"

I leave aside the practical issues that have arisen concerning the application of the First Amendment. The question here is one of theory, the theory of the First Amendment in itself and in its relation to Catholic theories of freedom of religion and the church-state relation. It is customary to put to Catholics what is supposed to be an embarrassing question: Do you really believe in the first two provisions of the First Amendment? The question calls to mind one of the more famous among the multitudinous queries put by Boswell to Dr. Johnson, "whether it is necessary to believe all the Thirty-Nine Articles." And the Doctor's answer has an applicable point: "Why, sir, that is a question which has been much agitated. Some have held it necessary that all be believed. Others have considered them to be only articles of peace, that is to say, you are not to preach against them."

An analogous difference of interpretation seems to exist with regard to the first two articles of the First Amendment.

On the one hand, there are those who read into them certain ultimate beliefs, certain specifically sectarian tenets with regard to the nature of religion, religious truth, the church, faith, conscience, divine revelation, human freedom, etc. In this view these articles are invested with a genuine sanctity that derives from their supposed religious content. They are dogmas, norms of orthodoxy, to which one must conform on pain of some manner of excommunication. They are true articles of faith. Hence it is necessary to believe them, to give them a religiously motivated assent.

On the other hand, there are those who see in these articles only a law, not a dogma. These constitutional clauses have no religious content. They answer none of the eternal human questions with regard to the nature of truth and freedom or the manner in which the spiritual order of man's life is to be organized or not organized. Therefore they are not invested with the sanctity that attaches to dogma, but only with the rationality that attaches to law. Rationality is the highest value of law. In further consequence, it is not necessary to give them a religious assent but only a rational civil obedience. In a word, they are not articles of faith but articles of peace, that is to say, you may not act against them, because they are law and good law.

Those who dogmatize about these articles do not usually do so with all the clarity that dogmas require. Nor are they in agreement with one another. The main difference is between those who see in these articles certain Protestant religious tenets and those who see in them certain ultimate suppositions of secular liberalism. The differences between those two groups tend to disappear in a third group, the secularizing Protestants, so called, who effect an identification of their Protestantism with American secular culture, consider the church to be true in proportion as its organization is commanded by the norms of secular democratic society, and bring about a coincidence of religious and secular-liberal concepts of freedom.

All three of these currents of thought have lengthy historical roots; the first, predominantly in the modified Puritan Protestantism of the "free church" variety; the second, in early American deism and rationalism; the third, in less specific sources, but importantly in the type of Protestantism, peculiar to America, whose character was specified during the Great Awakening, when the American climate did as much to influence Protestantism as Protestantism did to influence the American climate. This more radical secularizing Protestantism has in common with the later Puritan tradition the notion that American democratic institutions are the necessary secular reflection of Protestant anti-authoritarian religious individualism and its concept of the "gathered" church. Protestantism and Americanism, it is held, are indissolubly wedded as respectively the religious and the secular aspects of the one manner of belief, the one way of life.

This is not the place to argue the question, whether and how far any of these views can be sustained as an historical thesis. What matters here is a different question, whether any of them can serve as a rule of interpretation of the First Amendment. What is in question is the meaning and the content of the first of our American prejudices, not its genesis. Do these clauses assert or imply that the nature of the church is such that it inherently demands the most absolute separation from the state? Do they assert or imply that the institutional church is simply a voluntary association of like-minded men; that its origins are only in the will of men to associate freely for purposes of religion and worship; that all churches, since their several origins are in equally valid religious inspirations, stand on a footing of equality in the face of the divine and evangelical law; that all ought by the same token to stand on

an equal footing in the face of civil law? In a word, does separation of church and state in the American sense assert or imply a particular sectarian concept of the church?

Further, does the free-exercise clause assert or imply that the individual conscience is the ultimate norm of religious belief in such wise that an external religious authority is inimical to Christian freedom? Does it hold that religion is a purely private matter in such wise that an ecclesiastical religion is inherently a corruption of the Christian Gospel? Does it maintain that true religion is religion-in-general, and that the various sects in their dividedness are as repugnant religiously as they are politically dangerous? Does it pronounce religious truth to be simply a matter of personal experience, and religious faith to be simply a matter of subjective impulse, not related to any objective order of truth or to any structured economy of salvation whose consistence is not dependent on the human will?

The questions could be multiplied, but they all reduce themselves to two. Is the no-establishment clause a piece of ecclesiology, and is the free-exercise clause a piece of religious philosophy? The general Protestant tendency, visible at its extreme in the free-church tradition, especially among the Baptists, is to answer affirmatively to these questions. Freedom of religion and separation of church and state are to be, in the customary phrase, "rooted in religion itself." Their substance is to be conceived in terms of sectarian Protestant doctrine. They are therefore articles of faith; not to give them a religious assent is to fall into heterodoxy.

The secularist dissents from the Protestant theological and philosophical exegesis of the first of our prejudices. But it is to him likewise an article of faith (he might prefer to discard the word, "faith," and speak rather of ultimate presuppositions). Within this group also there are differences of opinion. Perhaps the most sharpened view is taken by those who in their pursuit of truth reject not only the traditional methods of Christian illumination, both Protestant and Catholic, but also the reflective methods of metaphysical inquiry.

These men commit themselves singly to the method of scientific empiricism. There is therefore no eternal order of truth and justice; there are no universal verities that require man's assent, no universal moral law that commands his obedience. Such an order of universals is not empirically demonstrable. Truth therefore is to be understood in a positivistic sense; its criteria are either those of science or those of practical life, i.e., the success of an opinion in getting itself accepted in the market place. With this view of truth there goes a corresponding view of freedom. The essence of freedom is "non-committalism." I take the word from Gordon Keith Chalmers. He calls it a "sin," but in the school of thought in question it is the highest virtue. To be uncommitted is to be in the state of grace; for a prohibition of commitment is inherent in the very notion of freedom. The mind or will that is committed, absolutely and finally, is by definition not free. It has fallen from grace by violating its own free nature. In the intellectual enterprise the search for truth, not truth itself or its possession, is the highest value. In the order of morals the norm for man is never reached by knowledge. It is only approximated by inspired guesses or by tentative practical rules that are the precipitate of experience, substantiated only by their utility.

This school of thought, which is of relatively recent growth in America, thrusts into the First Amendment its own ultimate views of truth, freedom, and religion. Religion itself is not a value, except insofar as its ambiguous reassurances may have the emotional effect of conveying reassurance. Roman Catholicism is a disvalue. Nevertheless, religious freedom, as a form of freedom, is a value. It has at least the negative value of an added emancipation, another sheer release. It may also have the positive value of another blow struck at the principle of authority in any of its forms; for in this school authority is regarded as absolutely antinomous to freedom.

Furthermore, this school usually reads into the First Amendment a more or less articulated political theory. Civil society is the highest societal form of human life; even the values that are called spiritual and moral are values by reason of their reference to society. Civil law is the highest form of law and it is not subject to judgment by prior ethical canons. Civil rights are the highest form of rights; for the dignity of the person, which grounds these rights, is only his civil dignity. The state is purely the instrument of the popular will, than which there is no higher sovereignty. Government is to the citizen what the cab-driver is to the passenger (to use Yves Simon's descriptive metaphor). And since the rule of the majority is the method whereby the popular will expresses itself, it is the highest governing principle of statecraft, from which there is no appeal. Finally, the ultimate value within society and state does not consist in any substantive ends that these societal forms may pursue; rather it consists in the process of their pursuit. That is to say, the ultimate value resides in the forms of the democratic process itself, because these forms embody the most ultimate of all values, freedom. There are those who pursue this theory to paradoxical lengths—perhaps more exactly, to the lengths of logical absurdity—by maintaining that if the forms of democracy perish through the use of them by men intent on their destruction, well then, so be it.

Given this political theory, the churches are inevitably englobed within the state, as private associations organized for particular purposes. They possess their title to existence from positive law. Their right to freedom is a civil right, and it is respected as long as it is not understood to include any claim to independently sovereign authority. Such a claim must be disallowed on grounds of the final and indivisable sovereignty of the democratic process over all the associational aspects of human life. The notion that any church should acquire status in public life as a society in its own right is per se absurd; for there is only one society, civil society, which may so exist. In

this view, separation of church and state, as ultimately implying a subordination of church to state, follows from the very nature of the state and its law; just as religious freedom follows from the very nature of freedom and of truth.

The foregoing is a sort of anatomical description of two interpretations of the religion clauses of the First Amendment. The description is made anatomical in order to point the issue. If these clauses are made articles of faith in either of the described senses, there are immediately in this country some 35,000,000 dissenters, the Catholic community. Not being either a Protestant or a secularist, the Catholic rejects the religious position of Protestants with regard to the nature of the church, the meaning of faith, the absolute primacy of conscience, etc.; just as he rejects secularist views with regard to the nature of truth, freedom, and civil society as man's last end. He rejects these positions as demonstrably erroneous in themselves. What is more to the point here, he rejects the notion that any of these sectarian theses enter into the content or implications of the First Amendment in such wise as to demand the assent of all American citizens. If this were the case the very article that bars any establishment of religion would somehow establish one. (Given the controversy between Protestant and secularist, there would be the added difficulty that one could not know just what religion had been established.)

If it be true that the First Amendment is to be given a theological interpretation and that therefore it must be "believed," made an object of religious faith, it would follow that a religious test has been thrust into the Constitution. The Federal Republic has suddenly become a voluntary fellowship of believers either in some sort of free-church Protestantism or in the tenets of a naturalistic humanism. The notion is preposterous. The United States is a good place to live in; many have found it even a sort of secular sanctuary. But it is not a church, whether high, low, or broad. It is simply a civil community, whose unity is purely political, consisting in "agreement on the good of man at the level of performance without the necessity of agreement on ultimates" (to adopt a phrase from the 1945 Harvard Report on General Education in a Free Society). As regards important points of ultimate religious belief, the United States is pluralist. Any attempt at reducing this pluralism by law, through a process of reading certain sectarian tenets into the fundamental law of the land, is prima facie illegitimate and absurd.

Theologians of the First Amendment, whether Protestant or secularist, are accustomed to appeal to history. They stress the importance of ideological factors in the genesis of the American concept of freedom of religion and separation of church and state. However, these essays in theological history are never convincing. In the end it is always Roger Williams to whom appeal is made. Admittedly, he was the only man in pre-Federal America who had a consciously articulated theory. The difficulty is that the Williams who is appealed to is a Williams who never was. Prof. Perry Miller's book, *Roger Williams*,* is useful in this respect. Its citations and analyses verify the author's statement: "I have long been persuaded that accounts written in the last century create a figure admirable by the canons of modern secular liberalism, but only distantly related to the actual Williams." The unique genius of Master Roger has been badly obscured by historians of a long-dominant school, now in incipient decline, who tended to see early American history through the climate of opinion generated by the Enlightenment. Their mistake lay in supposing that the haze of this climate actually hung over the early American landscape, whereas in fact it only descended, long after, upon the American universities within which the historians did their writing.

Professor Miller's book enhances the moral grandeur and human attractiveness of Roger Williams. It further makes clear, largely by letting him speak for himself, that he was no child of the Enlightenment born before his time. He was a seventeenth-century Calvinist who somehow had got hold of certain remarkably un-Calvinist ideas on the nature of the political order in its distinction from the church. He then exaggerated this distinction in consequence of his special concept of the discontinuity of the Old and New Testaments and of the utter transcendence of the church in the New Testament, which forbids it to maintain any contacts with the temporal order. In any event, Williams' premises and purposes were not those of the secular liberal democrat, any more than his rigidly orthodox Calvinist theology is that of his Baptist progeny. (One can imagine his horror were he to hear an outstanding Baptist spokesman utter with prideful satisfaction the phrase, "the Americanization of the churches.")

However, this is not the place to explore Williams' ideas, ecclesiastical or political. The point is that his ideas, whatever their worth, had no genetic influence on the First Amendment. Professor Miller makes the point: "Hence, although Williams is celebrated as the prophet of religious freedom, he actually exerted little or no influence on institutional developments in America; only after the conception of liberty for all denominations had triumphed on wholly other grounds did Americans look back on Williams and invest him with his ill-fitting halo." Williams therefore is to be ruled out as the original theologian of the First Amendment. In fact, one must rule out the whole idea that any theologians stood at the origin of this piece of legislation. The truth of history happens to be more prosaic than the fancies of the secular liberals. In seeking an understanding of the first of our prejudices we have to abandon the poetry of those who would make a religion out of freedom of religion and a dogma out of separation of church and state. We have to talk prose, the prose of the Constitution itself, which is an ordinary legal prose having nothing to do with doctrinaire theories.

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*Indianapolis: Bobbs-Merrill, 1953.

Reading 15: Richard L. Rubenstein

From *Religion and the Public Order*, edited by Donald A. Giannella (Chicago: The University of Chicago Press, 1964).
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Mr. Rubenstein points to two very curious paradoxes. First, while religious equality for Jews has often been achieved as a result of the triumph of modern secular humanism, the religious interests of Judaism are very different than those of modern secular humanists. Second, but related, while the doctrine of separation of church and state finds no support in Jewish tradition, its practice in the United States and elsewhere has been a boon to Jewish religious life. This points up the fact that, from a Jewish perspective at least, pluralistic society provides the best environment for particularistic religion. By pluralism Rubenstein means a society which not only permits the freedom of religious expression but also encourages the full expression of all religious differences.

"Church and State: The Jewish Posture"

In modern times, Jewish equality of status within the political order has been possible only when and where official Christianity has ceased to be privileged. Where the special pre-eminence of the Christian church remained a relevant political fact, Jews have never been able to attain genuine equality of condition within that community. Jews have also fared best in multi-national and multi-ethnic political communities such as the old Austro-Hungarian Empire or contemporary America.

The fact that Jewish emancipation was largely the result of the temporary triumph of secular humanism in France does not necessarily mean that Jews have uniformly favored the underlying secular humanist ideology which produced the disestablishment of the church. Because Jews were among those who gained most visibly from the destruction of the old order, those who continued to oppose the French Revolution and its entailments tended to identify the Revolution in some sense with Jewish ends and purposes. This was strategically useful, in any event, because of the utility of the unpopular Jews as opponents. A similar identification of ends and ideology took place after the Russian Revolution. In neither upheaval was there a real coincidence of aim or interest between the Jewish community and its emancipators. Religious Jews of whatever bent could not and do not favor many of the tenets of the secular humanist ideology which led to Jewish emancipation. Those Jews who participated most wholeheartedly in the revolutionary movements were precisely those least concerned with the preservation of their identity as Jews.

The problem of theological anthropology, the religious doctrine of man [is] relevant to the problem of church and state. It is no accident that the American doctrine of separation was the product of a culture deeply Protestant in its ethos and influenced by Lockean deism and rationalism. Although it is difficult to make generalized statements about any of the major religious communities, it would seem that Protestantism has felt more decisively the tension and opposition between God and the world, the spirit and the flesh, and the religious and political orders than have either Judaism or Catholicism. Ernest Troeltsch's distinction between the church-type and the sect-type religious communities is very much to the point. Both Judaism and Catholicism are essentially church-type structures in that religious status is obligatory and hence proves nothing with regard to the member's virtue. The sect, defined by Max Weber as "a voluntary association of only those who are . . . religiously and morally qualified" is a more typically Protestant structure. Sects are founded by people who feel strongly the opposition between the political and the religious orders. They have despaired of the world and seek to maintain the community of the elect, undisturbed by the world's corruption. For members of sectarian religious communities, separation of the religious and political orders is absolutely necessary because of the incurable corruption of the political and social order.

Non-Christians who cannot accept the doctrine of the Incarnation are nevertheless frequently at one with its fundamental insight that there is an existential and an axiological continuum between the spirit and the flesh, between God and man. Those who affirm this continuum cannot really accept the separation of the religious and the political orders as their theological ideal. Nevertheless, it would be consistent with this position to suggest that the union of the two orders will only truly be achieved at the End of Time, the Time of the Messiah for Jews and the Parousia for Christians. In our

imperfect and alienated world, the preponderant weight of social necessity favors separation.

I have attempted to stress a number of elements that arose out of religious and cultural perspectives most religious Jews do not and cannot entirely accept, but which were present in the culture which created Jewish emancipation in Europe and the First Amendment in America. In modern times there have been many attempts to identify Judaism largely or entirely with the culture of its neighbors. The identity of Judaism and "the German spirit" has understandably not stood the test of time. It has been supplanted by an assertion of the identity of Judaism and the roots of American democracy. There is undoubtedly far more reason to assert the latter identity than the former. Nevertheless, as we have seen, there are important areas in which the Enlightenment and sect-type Protestantism part company with fundamental Jewish convictions. There is nothing inherently sacred about the current American way of handling church-state problems. Under other circumstances other modes of dealing with the problem would be equally appropriate and suitable to Jewish needs.

There are, however, urgent *practical* reasons why there is near unanimity of opinion among Jews favoring the strongest possible guarantees of the separation of the religious and the political orders. As I have already suggested, the basic strategy of the Jewish community in modern times has been, wherever possible, withdrawal from Christian influence. Only in a society neutral to the practice of religion could Jews hope to attain that normalcy of life-situation which has eluded them for almost two thousand years. The ways in which Christian influence, perhaps unconsciously, excludes Jews from full participation in the national culture of even relatively secularized, contemporary France has been depicted by the French-Jewish-Tunisian novelist Albert Memmi in his *Portrait of a Jew*. As Memmi points out, Jews are alienated from the national culture at precisely those moments when the rest of the population is most strongly united in a shared community of aspiration and remembrance. Even the relatively formal and symbolic act of including prayers by rabbis as well as priests and ministers on public occasions is token of a legal equality in America which is unthinkable in Europe to this day.

Jews basically want nothing more than the opportunity to participate in American life under conditions of maximum equality with their fellow citizens. This is the simple practical basis for Jewish sentiment favoring separation of church and state in the United States. The Jewish community has had the experience of living as a minority for a very long time. Out of this experience, it has come to understand the incompatibility of any position other than absolute political neutrality in religious matters with the demands of equality. As has been indicated, nothing within Jewish tradition favors the separation of the religious and political orders. Nevertheless, everything within Jewish experience does. Were there none but Jews in America and were there a unanimity of Jewish assent on religious matters, there would probably be no such separation. Theologically speaking, one might describe the current situation as a concomitant of the confusion of tongues. I believe most responsible Jewish leaders would agree with Martin Marty's comment that "pluralism is a ground rule and not an altar." It is called for, not by our ideologies, but by the facticity of our concrete, limited situations. As long as America remains a multi-ethnic and multi-religious community, there can be no equitable alternative to political neutrality in religious affairs.

Even in an America agreed upon religious affirmation and affiliation, there would always be the question of the right of the atheist or the agnostic not to be forced to suffer the intrusion of an unwelcome religiosity in the public domain toward which he contributes his fair share. Although most Jewish leaders part company with secular humanist ideology, they most emphatically do *not* agree with those who assert that the American posture of religious neutrality excludes the irreligious. This position seems to occur more frequently among Catholic commentators on church-state affairs than among either their Protestant or their Jewish counterparts. If Jewish participants in the dialogue can not accept the Lockean conception of religion as a purely voluntary association, they do assert the practical necessity of acting *as if* the Lockean conception were true. Jewish law includes Jewish atheists in the Jewish religious community. Nevertheless, Jewish leaders would hardly insist, even had they the power so to do, upon a religious commitment from those who find such a commitment meaningless.

What I am suggesting is that Jewish concern for the individual goes beyond securing for him the opportunity to follow his own beliefs. It insists, particularly in a pluralistic society, that as far as possible his right to participate fully in the life of the community be recognized. Neutrality of the state toward religion is the only way to avoid excluding from full participation in community life the many secular humanists who share with the most devoted followers of any Western religion respect for human dignity and the worth of the individual. Recognition of this helps explain the position taken by Jews on many church-state issues.

America represents a new experiment for Jews. It offers the promise of an equality of condition which Jews have never known, even in the most advanced European nations. Like every human ideal, this promise cannot be extricated from the human context in which it is offered. The ideals implicit in law can never entirely be fulfilled. At best, they can be reasonably approximated. Jews do not really expect that the separation of the religious and political orders will ever be completely achieved. This would be possible only if the human beings who constitute the raw material of both orders were capable of an almost schizophrenic act of self-division. The absolute application of logic to human affairs leads not to justice but to

murder, as the terror of the French Revolution and the rational terror of communism and nazism demonstrate. Nevertheless, historical Jewish experience has taught us that the ideal of a government neutral in religious matters offers the only hope for equality of condition for all men in a multi-ethnic and multi-religious community. Historical experience has also taught us that nothing is gained by the failure of the Jew to seek his rights under law when and where it is possible so to do. Finally, Jews are absolutely convinced that the decisions of our courts must be obeyed and respected. No insight is as deeply or as persistently present in Judaism as the conviction that society is radically imperiled when men assert a priority of personal inclination over the majesty of the law, for in Judaism God Himself is the Bestower and Teacher of the Law.

Questions for Discussion

1. Among these representatives of the three mainline traditions of organized religion in America, do you see any characteristic differences expressed between Protestant, Catholic, and Jew?

2. Are there any theological principles for these representatives of mainline traditions that override secular or civil considerations and possess, or should be seen as possessing, primacy, so far as they are concerned, for religious believers when they contemplate the appropriate relation between church and state?

3. To the extent that all of these thinkers accept religious pluralism in America, is this a situation they defend on theological grounds or on social and historical grounds?

4. Give some of the different reasons these various theologians maintain that the separation of church and state is best served when religion resists the pull of cultural accommodation rather than succombing to it.

Chapter Five

Church and State in Cultural and Historical Perspective

Reading 16: Will Herberg

From *Protestant, Catholic, Jew* by Will Herberg. © 1955 by Will Herberg. Reprinted by permission of Doubleday and Company, Inc.

Will Herberg, in his classic sociological study entitled *Protestant, Catholic, Jew*, argues that the common religion of American culture is the American way of life. This is Herberg's name for that system or framework of values that is crucial to the existence of most Americans. But Herberg is careful to say that this system or framework is not composed of beliefs found in all the major American religious sects and faiths; in this sense, the American way of life does not represent some religious common denominator. Rather, it possesses an organic structure of its own that influences, even as it has been influenced by, Christianity and Judaism in the United States. Herberg defines the essence of this religion of the American way of life as democracy, which when translated into political terms means the Constitution, when translated into economic terms means the free enterprise system, when translated into social terms means equalitarianism, and when translated into spiritual terms means the affirmation of idealism as such.

Among those religious formations in American society that have resisted accommodation to the religion of the American way of life, Herberg lists the churches "of immigrant ethnic background," religious groups with strong theological identity, whether it be orthodox, liberal, or neo-orthodox, and what were once called "the religions of the disinherited," such as pentecostal, millenarian, and holiness sects.

"The Religion of Americans and American Religion"

"Every functioning society," Robin M. Williams, Jr. points out, "has to an important degree a *common* religion. The possession of a common set of ideals, rituals, and symbols can supply an overarching sense of unity even in a society riddled with conflicts."[1] What is this "common religion" of American society, the "common set of ideas, rituals, and symbols" that give it its "overarching sense of unity"? Williams provides us with a further clue when he suggests that "men are always likely to be intolerant of opposition to their central ultimate values."[2] What are these "central ultimate values" about which Americans are "intolerant"? No one who knows anything about the religious situation in this country would be likely to suggest that the things Americans are "intolerant" about are the beliefs, standards, or teachings of the religions they "officially" acknowledge as theirs. Americans are proud of their tolerance in matters of religion: one is expected to "believe in God," but otherwise religion is not supposed to be a ground of "discrimination." This is, no doubt, admirable, but is it not "at least in part, a sign that the crucial values of the system are no longer couched in a religious framework"?[3]

What, then, is the "framework" in which they *are* couched? What, to return to our original question, is the "common religion" of the American people, as it may be inferred not only from their words but also from their behavior?

It seems to me that a realistic appraisal of the values, ideas, and behavior of the American people leads to the conclusion that Americans, by and large, do have their "common religion" and that that "religion" is the system familiarly known as the American Way of Life. It is the American Way of Life that supplies American society with an "overarching sense of unity" amid conflict. It is the American Way of Life about which Americans are admittedly and unashamedly "intolerant." It is the American Way of Life that provides the framework in terms of which the crucial values of American existence are couched. By every realistic criterion the American Way of Life is the operative faith of the American people.

It would be the crudest kind of misunderstanding to dismiss the American Way of Life as no more than a political formula or propagandist slogan, or to regard it as simply an expression of the "materialistic" impulses of the American people. Americans are "materialistic," no doubt, but surely not more so than other people, than the French peasant or petty bourgeois, for example. All such labels are irrelevant, if not meaningless. The American Way of Life is, at bottom, a spiritual structure, a structure of ideas and ideals, of aspirations and values, of beliefs and standards; it synthesizes all that commends itself to the American as the right, the good, and the true in actual life. It embraces such seemingly incongruous elements as sanitary plumbing and freedom of opportunity, Coca-Cola and an intense faith in education—all felt as moral

questions relating to the proper way of life.[4] The very expression "way of life" points to its religious essence, for one's ultimate, over-all way of life is one's religion.

The American Way of Life is, of course, conceived as the corporate "way" of the American people, but it has its implications for the American as an individual as well. It is something really operative in his actual life. When in the *Ladies Home Journal* poll, Americans were asked "to look within [themselves] and state honestly whether [they] thought [they] really obeyed the law of love under certain special conditions," 90 per cent said yes and 5 per cent no when the one to be "loved" was a person belonging to a different religion; 80 per cent said yes and 12 per cent no when it was the case of a member of a different race; 78 per cent said yes and 10 per cent no when it concerned a business competitor—but only 27 per cent said yes and 57 per cent no in the case of a "member of a political party that you think is dangerous," while 25 per cent said yes and 63 per cent said no when it concerned an enemy of the nation.[5] These figures are most illuminating, first because of the incredible self-assurance they reveal with which the average American believes he fulfills the "impossible" law of love, but also because of the light they cast on the differential impact of the violation of this law on the American conscience. For it is obvious that the figures reflect not so much the actual behavior of the American people—no people on earth ever loved their neighbors as themselves as much as the American people say they do—as how seriously Americans take transgressions against the law of love in various cases. Americans feel they *ought* to love their fellow men despite differences of race or creed or business interest; that is what the American Way of Life emphatically prescribes.[6] But the American Way of Life almost explicitly sanctions hating a member of a "dangerous" political party (Communists and fascists are obviously meant here) or an enemy of one's country, and therefore an overwhelming majority avow their hate. In both situations, while the Jewish-Christian law of love is formally acknowledged, the truly operative factor is the value system embodied in the American Way of Life. Where the American Way of Life approves of love of one's fellow man, most Americans confidently assert that they practice such love; where the American Way of Life disapproves, the great mass of Americans do not hesitate to confess that they do not practice it, and apparently feel very little guilt for their failure. No better pragmatic test as to what the operative religion of the American people actually is could be desired.[7]

It is not suggested here that the ideals Americans feel to be indicated in the American Way of Life are scrupulously observed in the practice of Americans; they are in fact constantly violated, often grossly. But violated or not, they are felt to be normative and relevant to "business and politics" in a way that the formal tenets of "official" religion are not. That is what makes the American Way of Life the "common religion" of American society in the sense here intended.

It should be clear that what is being designated under the American Way of Life is not the so-called "common denominator" religion; it is not a synthetic system composed of beliefs to be found in all or in a group of religions. It is an organic structure of ideas, values, and beliefs that constitutes a faith, common to Americans and genuinely operative in their lives, a faith that markedly influences, and is influenced by, the "official" religions of American society. Sociologically, anthropologically, if one pleases, it is the characteristic American religion, undergirding American life and overarching American society despite all indubitable differences of region, section, culture, and class.

Yet qualifications are immediately in order. Not for all Americans is this American religion, this "common religion" of American society, equally operative; some indeed explicitly repudiate it as religion. By and large, it would seem that what is resistive in contemporary American society to the American Way of Life as religion may be understood under three heads. First, there are the churches of immigrant-ethnic background that still cherish their traditional creeds and confessions as a sign of their distinctive origin and are unwilling to let these be dissolved into an over-all "American religion"; certain Lutheran and Reformed churches in this country[8] as well as sections of the Catholic Church would fall into this classification. Then there are groups, not large but increasing, that have an explicit and conscious theological concern, whether it be "orthodox," "neo-orthodox," or "liberal"; in varying degrees, they find their theologies at odds with the implied "theology" of the American Way of Life. Finally, there are the ill-defined, though by all accounts numerous and influential, "religions of the disinherited," the many "holiness," pentecostal, and millenarian sects of the socially and culturally submerged segments of our society;[9] for them, their "peculiar" religion is frequently still too vital and all-absorbing to be easily subordinated to some "common faith." All of these cases, it will be noted, constitute "hold outs" against the sweep of religious Americanism; in each case there is an element of alienation which generates a certain amount of tension in social life.

What is this American Way of Life that we have said constitutes the "common religion" of American society? An adequate description and analysis of what is implied in this phrase still remains to be attempted, and certainly it will not be ventured here; but some indications may not be out of place.

The American Way of Life is the symbol by which Americans define themselves and establish their unity. German unity, it would seem, is felt to be largely racial-folkish, French unity largely cultural; but neither of these ways is open to the American people, the most diverse in racial and cultural origins of any in the world. As American unity has emerged, it has emerged more and more clearly as a unity embodied in, and symbolized by, the complex structure known as the American Way of Life.

If the American Way of Life had to be defined in one word, "democracy" would undoubtedly be the word, but democracy in a peculiarly American sense. On its political side it means the Constitution; on its economic side, "free enterprise"; on its social side, an equalitarianism which is not only compatible with but indeed actually implies vigorous economic competition and high mobility. Spiritually, the American Way of Life is best expressed in a certain kind of "idealism" which has come to be recognized as characteristically American. It is a faith that has its symbols and its rituals, its holidays and its liturgy, its saints and its sancta;[10] and it is a faith that every American, to the degree that he is an American, knows and understands.

The American Way of Life is individualistic, dynamic, pragmatic. It affirms the supreme value and dignity of the individual; it stresses incessant activity on his part, for he is never to rest but is always to be striving to "get ahead"; it defines an ethic of self-reliance, merit, and character, and judges by achievement: "deeds, not creeds" are what count. The American Way of Life is humanitarian, "forward-looking," optimistic. Americans are easily the most generous and philanthropic people in the world in terms of their ready and unstinting response to suffering anywhere on the globe. The American believes in progress, in self-improvement, and quite fanatically in education. But above all, the American is idealistic. Americans cannot go on making money or achieving worldly success simply on its own merits; such "materialistic" things must, in the American mind, be justified in "higher" terms, in terms of "service" or "stewardship" or "general welfare." Because Americans are so idealistic, they tend to confuse espousing an ideal with fulfilling it and are always tempted to regard themselves as good as the ideals they entertain: hence the amazingly high valuation most Americans quite sincerely place on their own virtue. And because they are so idealistic, Americans tend to be moralistic: they are inclined to see all issues as plain and simple, black and white, issues of morality. Every struggle in which they are seriously engaged becomes a "crusade." To Mr. Eisenhower, who in many ways exemplifies American religion in a particularly representative way, the second world war was a "crusade" (as was the first to Woodrow Wilson); so was his campaign for the presidency ("I am engaged in a crusade . . . to substitute good government for what we most earnestly believe has been bad government"); and so is his administration—a "battle for the republic" against "godless Communism" abroad and against "corruption and materialism" at home. It was Woodrow Wilson who once said, "Sometimes people call me an idealist. Well, that is the way I know I'm an American: America is the most idealistic nation in the world"; Eisenhower was but saying the same thing when he solemnly affirmed: "The things that make us proud to be Americans are of the soul and of the spirit."[11]

The American Way of Life is, of course, anchored in the American's vision of America. The Puritan's dream of a new "Israel" and a new "Promised Land" in the New World, the "*novus ordo seclorum*" on the Great Seal of the United States reflect the perennial American conviction that in the New World a new beginning has been made, a new order of things established, vastly different from and superior to the decadent institutions of the Old World. This conviction, emerging out of the earliest reality of American history, was continuously nourished through the many decades of immigration into the present century by the residual hopes and expectations of the immigrants, for whom the New World had to be really something new if it was to be anything at all. And this conviction still remains pervasive in American life, hardly shaken by the new shape of the world and the challenge of the "new orders" of the twentieth century, Nazism and Communism. It is the secret of what outsiders must take to be the incredible self-righteousness of the American people, who tend to see the world divided into an innocent, virtuous America confronted with a corrupt, devious, and guileful Europe and Asia. The self-righteousness, however, if self-righteousness it be, is by no means simple, if only because virtually all Americans are themselves derived from the foreign parts they so distrust. In any case, this feeling about America as really and truly the "new order" of things at last established is the heart of the outlook defined by the American Way of Life.[12]

In her *Vermont Tradition*, Dorothy Canfield Fisher lists as that tradition's principal ingredients: individual freedom, personal independence, human dignity, community responsibility, social and political democracy, sincerity, restraint in outward conduct, and thrift.[13] With some amplification—particularly emphasis on the uniqueness of the American "order" and the great importance assigned to religion—this may be taken as a pretty fair summary of some of the "values" embodied in the American Way of Life. It will not escape the reader that this account is essentially an idealized description of the middle-class ethos. And, indeed, that is just what it is. The American Way of Life is a middle-class way, just as the American people in their entire outlook and feeling are a middle-class people.[14] But the American Way of Life as it has come down to us is not merely middle-class; it is emphatically inner-directed. Indeed, it is probably one of the best expressions of inner-direction in history. As such, it now seems to be undergoing some degree of modification—perhaps at certain points disintegration—under the impact of the spread of other-direction in our society. For the foreseeable future, however, we may with some confidence expect the continuance in strength of the American Way of Life as both the tradition and the "common faith" of the American people.[15]

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[1]Robin M. Williams, Jr., *American Society: A Sociological Interpretation* (Knopf, 1951), p. 312.

[2]Williams, *American Society*, p. 320 n.

[3]Williams, *American Society*, p. 344.

[4]When an American tourist comes upon the inadequate sanitary arrangements in certain parts of Europe and discovers what seems to him the careless attitude of the inhabitants in matters of personal hygiene, he is inclined to feel what he experiences not simply as a shortcoming in modern living conveniences but as a *moral defect*, on a par with irreligion, caste rigidity, and the absence of American representative democracy. Cp. the following placard displayed by many restaurants in the midwest: "Sanitation is a way of life. As a way of life, it must be nourished from within and grow as an ideal in human relations."

[5]Barnett, "God and the American People," *Ladies Home Journal*, November 1948, pp. 235-36.

[6]Where this "principle" of the American Way of Life is flagrantly violated by local prescription, as in the case of racial attitudes in the south and elsewhere, festering "bad conscience" and a destructive defensive aggressiveness are the result.

[7]"Differences in religion make a difference in social conduct" (Williams, *American Society*, p. 311). Investigating belief-systems from this angle would seem to be a good way of discovering what the "religion" of an individual or group really is.

[8]Discussing the European background of such churches, H. Richard Niebuhr writes: "These churches are doctrinal and liturgical in character, regarding conformity to creed and ritual as the essential requirements of Christianity" (*The Social Sources of Denominationalism* [Holt, 1929], p. 126).

[9]For a discussion of the "religions of the disinherited," see *Protestant, Catholic, Jew*, chap. vi., pp. 122-23, chap. ix, pp. 216-19.

[10]See the illuminating account of Memorial Day as an "American sacred ceremony" in W. Lloyd Warner, *Structure of American Life* (Edinburgh, 1952), chap. x. Warner writes: "The Memorial Day ceremonies and subsidiary rites, such as those of Armistice Day, of today, yesterday, and tomorrow, are rituals which are a sacred symbol system which functions periodically to integrate the whole community, with its conflicting symbols and its opposing autonomous churches and associations.... Memorial Day is a cult of the dead which organizes and integrates the various faiths, ethnic and class groups, into a sacred unity" (p. 214). As to the "saints" of the American Way of Life, Warner quotes a Memorial Day orator: "No character except the Carpenter of Nazareth has even been honored the way Washington and Lincoln have been in New England. Virtue, freedom from sin, and righteousness were qualities possessed by Washington and Lincoln, and in possessing these qualities both were true Americans, and we would do well to emulate them. Let us first be true Americans." (p. 220). The theological implications of this statement are sensational: Washington and Lincoln, as "true Americans," are credited with the moral and spiritual qualities ("virtue, freedom from sin, and righteousness") traditionally associated with Christ, and we are all urged to "emulate" them!

[11]For the quotations, as well as a general account of Mr. Eisenhower's religion, see Paul Hutchinson, "The President's Religious Faith," *The Christian Century*, March 24, 1954. For a sharp critique, see William Lee Miller, "Piety Along the Potomac," *The Reporter*, August 17, 1954.

[12]For a penetrating examination of the sources and expressions of the American conviction of a "new order of things" in the New World, see Reinhold Niebuhr, *The Irony of American History* (Scribner's, 1952).

[13]Dorothy Canfield Fisher *Vermont Tradition* (Little, Brown, 1953). For a comprehensive survey of American life, see Max Lerner, *America as a Civilization: Life and Thought in the United States Today* (Simon and Schuster, 1957); see also Elting E. Morison, ed., *The American Style: Essays in Value and Performance* (Harper, 1958).

[14]"America is a middle-class country, and the middle-class values and styles of perception reach into all levels except perhaps the fringes at the very top and the very bottom" (David Riesman, *Individualism Reconsidered* [Free Press, 1954], p. 499).

[15]Riesman sees the immigrant generations as an important source of replenishment of old-line middle-class inner-directedness in American society (*Individualism Reconsidered*, pp. 289, 290).

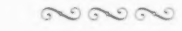
Reading 17: Sidney Mead

From *The Old Religion in the Brave New World* by Sidney E. Mead, (Berkeley: University of California Press, 1977). Reproduced by permission of The University of California Press.

Sidney Mead, who possesses a deserved reputation as the dean of American Protestant church historians, has long argued that during the seventeenth and eighteenth century a new religion emerged within Western civilization that became an effective alternative to orthodox Christianity. This alternative religion is best defined simply as the Enlightenment. Thoroughly monotheistic, this new religion was premised on the existence of a creator God who had left the evidence of his will in the orderly patterns of the book

of Nature. But this religious text was no mystery to man, for God in his goodness had endowed human beings with the capacity to reason and had thereby insured the fact the divine intention could be read. Though no individual could perceive the whole of this intention, each individual was potentially capable of discerning some part of it if all were free to participate in a true republic of opinions.

Mead believes that this was the religion of James Madison and Benjamin Franklin no less than Thomas Jefferson, indeed, of all the Founding Fathers, but he goes on to note that it became an incitement to religious reaction when, in the Second Great Religious Awakening, according to Mead, religious life in America was permanently separated from the intellectual life of society. The first was to become institutionalized in the denominations, Mead says, the second in the universities, but the split, Mead implies, was to work considerable harm on both.



"Christendom's Orthodoxies versus the Premises of the Republic"

The discipline of history is devoted to suggesting answers to a question, the archetype of which is, "How did they, or we, get that way?"

In the past three chapters I have delineated what seem to me some plausible historical explanations of "how we got that way."

I have suggested that when seen in the perspective of what prevailed universally in Christendom for fourteen centuries there are three strikingly unusual things about the religious scene in the United States: (1) the religious pluralism upheld by the civil authority in a nation; (2) the widespread belief that religion has nothing to do with the political and economic institutions of the society; and (3) the theologically bifurcated minds of many church members.

Here I intend to focus on the third—the tension in the minds and hearts of many Americans between fundamental principles of their inherited traditional Christian orthodoxy and fundamental premises of the Republic in which they live. This is the unresolved theological problem that lies at the heart not only of our religious establishment but of our whole culture.[1]

I have noted my agreement with Crane Brinton that during the seventeenth and eighteenth centuries there emerged in Christendom "a new religion"[2] that for the first time offered the people of a Christian nation an alternative to orthodox Christianity.

That new religion had a definite theological content that differed in important respects, and still differs, from Christian orthodoxy.[3] But even learned Christian insiders have seldom noted this, and when they did they have been apt to accentuate only negative differences from their orthodoxy.

Typical is Professor Winthrop Hudson's treatment wherein, after summarizing its doctrinal elements, he adds,

> The most noteworthy feature of this Deist "creed" was its omissions. There was nothing distinctively Christian about it—no mention of any special work of Christ, of man's sinful nature and consequent need of redemption, or of any necessary dependence upon Biblical revelation.[4]

This is very much in the Parson Thwackum tradition, the impression it conveys being that because it is not "distinctively Christian" according to the species of Christianity Mr. Hudson had in mind, that therefore it is not authentically "religious" at all. Hudson's typical insider's assessment of an outsider's perspective reminds me of the mythical male chauvinist curmudgeon who declared that the most noteworthy feature of his wife was a deplorable omission, so there was nothing distinctively male about her.[5]

An outsider is more inclined to accentuate the positive—to stress the constellation of positive doctrines that made up the "Enlightenment" creed, and to wonder that the deist believed what in our twentieth century might well get him typed as no better than a "fundamentalist" in a majority of our snobbishly "liberal" middle-class churches.

"Enlightenment" (in Crane Brinton's sense) is more aptly described positively as a radical monotheism, or, as one might well characterize Jefferson's position, a Unitarianism of the First Person—Thomas Paine's "plain, pure, and unmixed belief in one God."[6]

"God" for these men was an unquestioned presupposition, not a problem as he has become for many professional theologians today. Whatever else they may have been they were not atheists.[7] They were "infidels" in the precise sense the term then conveyed, in that they rejected the orthodox Christian premises: that the Bible was the only revelation of God to man, and that Jesus was Deity.

The foundation of their perspective was that other strand in the Christian tradition—the concept of God's second volume of revelation, the Creation. Yes, said Thomas Paine, "there is a word of God; there is a revelation. The WORD OF GOD IS THE CREATION WE BEHOLD; and it is in *this word*, ... that God speaketh universally to man" and "reveals to man all that is necessary for man to know of God."[8] John Adams in 1813 was even more rhapsodic:

> The human Understanding is a revelation from its Maker which can never be disputed or doubted. There can be no Scepticism, Phrrhonism or Incredulity or Infidelity here. No Prophecies, no Miracles are necessary to prove this celestial communication.[9]

Where the orthodox argued that *some* persons were enabled by grace to understand the revelation in Scripture, the intellectuals of "Enlightenment" held that all men are gifted by their Creator with "Reason" or Adams' "Understanding," that enabled them to read and understand the revelation in His creation which, Paine argued, "no human invention can counterfeit or alter."

Both those of orthodox and "Enlightenment" persuasion agreed that man's duty was to obey the will of God, and that he learned what God's will was by interpreting God's revelation. They disagreed on the locus and nature of that revelation, and on what enabled finite humans to read and understand it. As William McLoughlin so aptly put the distinction, for Isaac Backus "truth came through the heart by grace while for Jefferson it came ... through the head by reason."[10] Christian orthodoxy was exclusivistic. "Enlightenment" was inclusivistic.

The obverse side of the high doctrine of God as Creator and Governor of the universe was the finite limitation of the creature, man, *in every respect*. This meant that finite man could not have absolute assurance of final knowledge of anything, even of the existence of God and his own salvation. All mankind could have was "opinions," and these, James Madison explained, depend solely "on the evidence contemplated in their own minds."[11] It followed that opinions could neither be borrowed from others nor imposed by coercion. Granted this conception of the creature's limitations, and two things follow: that freedom of religion, speech, press, etc., are "unalienable" rights, and that man is not "saved" by knowledge and must live by faith in the Creator and His Providence.

Madison made this clear in the *Memorial and Remonstrance on the Religious Rights of Man* (1784) in which he defined religion as one's *opinion* of the "duty which we owe to our creator, and the manner of discharging it." Opinions cannot be directed by force but "only by reason and conviction." Therefore every man's religion "must be left to the conviction and conscience of every man." This is to say that freedom of religion is an "unalienable right," that is a responsibility that the individual cannot delegate.[12] Religion, being an opinion, "cannot follow the dictates of other men."

Not questioning the existence of the Deity, it followed that the individual's duty was "to render the creator such homage and such only, as he believes to be acceptable to him"–a neat way of stating and legitimating the principle of the right of private judgment.

One's duty to the creator, Madison continued, "is precedent, both in order of time and degree of obligation, to the claims of civil society" because "before any man can be considered as a member of civil society, he must be considered as a subject of the governor of the universe." It follows that when any person swears his allegiance to "any particular civil society" he does it *"with the saving his allegiance to the universal sovereign."* This was a nice way of saying that "We must obey God rather than men" (Acts 5:29), and would seem to be enough to lay to rest the popular view that "Enlightenment" religion is worship of the State. Madison categorically rejected idolatry of any human forms, most emphatically that of the State.

Central in this perspective was the ability to separate conceptually religiosity as feeling, experience, and ideas from the institutional forms in and by which it was made tangible in society. John Adams clearly exemplified this when he wrote to Thomas Jefferson in January 1825:

> The substance and essence of Christianity as I understand it is eternal and unchangeable and will bear examination forever but it has been mixed with extraneous ingredients which I think will not bear examination and they ought to be separated.[13]

To men of this perspective the "substance and essence of Christianity" was the same as that of all other genera of religion. This was expressed in the concept of "the essentials of every religion"–the dogmas Franklin said he "never doubted." On this anti-Thwackum model one might, as Franklin, recognize the many institutional manifestations of the essentials and yet maintain his belief in the absolute Creator and Governor of the universe, which belief guarded them against the maelstrom of simple relativism.

The institutionalized forms[14] of religion being merely the humanly contrived vehicles for the conveyance of the essentials, were subject to judgment, primarily on the basis of their practical moral efficacy. So Franklin, assuming that the essentials were "to be found in all the religions we had in our country," said that he "respected them all, Tho' with different degrees of respect, as I found them ... mix'd with other articles, which without any tendency to inspire, promote, or confirm morality, serv'd principally to divide us...." As we have noted above, when Franklin was convinced that the minister's motive was to make good Presbyterians rather than good citizens he shrugged and left the church. For those of this perspective the only justifiable purpose of a religious observance was its inculcation and/or legitimation of virtue (good morals). They could not conceive of religious faith without works[15] and insofar were the sons of that James whom, I have been told, Luther would gladly have thrown out of the canon. They could not conceive of "salvation" apart from exemplifica-

tion in overt responsibility for the being and continued well-being of their society and commonwealth.

We should be clear that these men were not anti-religious, anti-Christian, or even anti-denominational churches. They represented, as Professor William Warren Sweet argued long ago,[16] a revolt against Established churches in the name of true religion, or as in Jefferson's case, the pure moral teachings of Jesus.[17] Assuming that every denominational church taught and inculcated in its members the "essentials" of every religion, whether they knew it or not and whatever might be the particular forms of their theology and practice, they might say with Jefferson that although there were "various kinds" of religion they were "all good enough; all sufficient to preserve peace and order. . . ."[18] Their hope might be expressed in the words of F.C.S. Schiller, to wit, that "we may learn to regard our differences [over religion] as unessential, as the bad reasons which those who differ from us give for doing the right thing; and practically this suffices."[19]

Finally, the whole structure of "Enlightenment" rested on the unquestioned belief in the Creator and Governor of the universe—the absolute presupposition that enabled Jefferson to assert in the "Act for Establishing Religious Freedom" in Virginia

> that truth is great and will prevail if left to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate, errors ceasing to be dangerous, when it is permitted freely to contradict them.[20]

It followed that the surest pathway to truth was through free conflict of opinions, that, as Jefferson said, "Difference of opinion is advantageous in religion [because] the several sects perform the office of a *censor morum* over such [*sic*] other."[21] It was on the basis of this premise that for the first time in Christendom civil authority presumed to protect the right of every religious group freely to propagate its own views openly, as freely to condemn and try to dissuade others from the views of its opponents, and to proselytize their members.

This indeed was hard doctrine for many orthodox establishment Christians of the time who, in keeping with centuries of Christian thinking and practice, assumed the necessity for the use of the sword of steel in defense of their species of Christianity. It was the doctrine against which the majority of Christian leaders set themselves, implicitly or explicitly, during the era of the Second Great Awakening, turning back to what Emerson called the stationary forms of pre-seventeenth century theologies for the structure and sustenance of their intellectual lives. In doing so they surrendered intellectual initiative and relevance to the leaders of the main currents of modern thought which flowed from "Enlightenment."[22]

This massive turning of "attention . . . to the old faith of the fathers"[23] effectively separated the religious from the intellectual life of the society, and the two were duly institutionalized in denominations and universities respectively. Theological education tended thereafter to become training for nourishing organized religious life in the nineteenth and twentieth centuries on the theological premises of the first to the sixteenth centuries while conducting a rearguard action against modern thought.[24] The result is reflected in the remark by Henry Pratt Judson, a scholarly Baptist leader, in 1908, that modern man does not find religion "substantial in its intellectual basis" or effective in its "application to social conditions"—a situation that led, he said, to "a growing concern for the relation of Christianity to European and American civilization."[25]

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[1]I have been saying this for a long time, perhaps too long. See, e.g., *The Lively Experiment* --- (New York: Harper and Row, 1963), Chapter 4, pp. 55-71, and *passim*.

[2]Reference is to the article by Crane Brinton, "Many Mansions," in *American Historical Review*, XLIX, 2 (January, 1964), 315 noted above in Chapter 1, p. 28. This to me is a most important point, central to my interpretation of the present situation and how we got this way.

[3]"The elements of liberal democratic thought," Herbert McClosky argued, "are not nearly so vague as they are sometimes made out to be, and their coalescence into a single body of belief is by no means fortuitous. American democratic 'Ideology' possesses an elaborately defined theory, a body of interrelated assumptions, axioms, and principles, and a set of ideals that serve as guides for action. Its tenets, postulates, sentiments, and values inspired the great revolutions of the seventeenth and eighteenth centuries, and have been repeatedly and explicitly set forth in fundamental documents, such as the Constitution, the Declaration, and the Federalist Papers." McClosky then lists what he thinks "scholars or Supreme Court justices . . . would uniformly recognize as elements of American democratic ideology." "Consensus and Ideology in American Politics," *American Political Science Review*, LVIII (June, 1964), 362-63.

Frank Freidel in his Preface to Adrienne Koch's *The American Enlightenment* (New York: George Braziller, 1965) notes that "Out of the classic period of American thought, the age of the Enlightenment, came a body of ideas which, incorporated in our constitutions and our political traditions, have served as fundamental guidelines for the nation throughout its history. These principles, embodied in such documents as the Declaration of Independence, the Constitution, and the Bill of Rights, have retained their cogency through the centuries."

Herbert W. Schneider held that "the American Enlightenment . . . contains the heart of our heritage as a people and our deepest ties to the rest of humanity." *A History of American*

Philosophy (New York: Columbia University Press, 1946), p. 22.

Michael Novak's persuasive argument that Enlightenment is "the dominant religion" today, and "the tradition in which intellectuals ordinarily define themselves" has been noted, Chapter III, p. 71.

[4]*Religion in America: An Historical Account of the Development of American Religious Life*, 2nd ed. (New York: Charles Scribner's Sons, 1973), p. 92.

I think Hudson is wrong in saying that there was "nothing distinctively Christian" about, for example, the dogmas Benjamin Franklin said he "never doubted, for instance, the existence of the Deity; that he made the world, and govern'd it by his Providence; that the most acceptable service of God was the doing good to man; that our souls are immortal; and that all crime will be punished, and virtue rewarded here or hereafter." In Frank Luther Mott and Chester E. Jorgenson, eds., *Benjamin Franklin; Representative Selections* --- (New York: American Book Co., 1936), pp. 69-70.

[5]The Christian insider is commonly handicapped in discussing alternative perspectives because he has but two categories—things are either "Christian" and good, or "not Christian" and bad. This simple either/or classification which Hudson exhibits here, slights, even ignores, the complexity of historical positions. In contrast one may note Charles A. Gliozza's characterization of Rousseau's religion as including "theism with reminiscences of Christianity," to which he adds examples of Rousseau's "Christian spirit." "The Philosophes and Religion: Intellectual Origins of the Dechristianization Movement in the French Revolution," *Church History*, XL, 3 (September, 1971), 279.

[6]Arthur W. Peach, ed., *Selections from the Works of Thomas Paine* (New York: Harcourt, Brace, 1928), p. 346.

Just a year and a half before he died Jefferson called himself a Unitarian, who because of his situation "must therefore be contented to be a Unitarian by myself." Quoted in Adrienne Koch, *The Philosophy of Thomas Jefferson* (Chicago: Quadrangle Books Paperback, 1964), p. 27.

John Dewey's characterization of Jefferson as "a sincere theist" seems amply documented by even casual perusal of his writings. Dewey continues, that "although his rejection of supernaturalism and of the authority of churches and their creeds caused him to be denounced as an atheist, he was convinced beyond any peradventure, on natural and rational grounds of the existence of a divine righteous Creator who manifested his purposes in the structure of the world, especially in that of society and human conscience. The equality of all human beings was not psychological or legal. It was intrinsically moral, as a consequence of the equal moral relation all human beings sustain to their Creator—equality of moral claims and of moral responsibilities." *The Living Thoughts of Thomas Jefferson Presented by John Dewey* (New York: Premier Books, Fawcett World Library, 1960), p. 33.

Jefferson so emphasized the absolute uniqueness of the pure moral system taught by Jesus as to give it an aura of divine revelation.

[7]A common tendency to see the American Enlightenment in the context of the French, plus the lasting effect of the success of clerical leaders in imposing the designation "atheist" on Jefferson *et. al.* during the Second Great Awakening, has obscured this important difference between American and French leaders and Revolutions.

Jefferson observed in 1814 that "generally, ...while in Protestant countries the defection from the Platonic Christianity of the Priests is to Deism, in Catholic countries they are to Atheism" (Letter to Thomas Law dated June 13, 1814, in Saul K. Padover, *The Complete Jefferson*----[New York: Duell, Sloan & Pearce, 1943], p. 1032). The English colonies were strongly Protestant, and while "Enlightenment" perspective prevailed among the intellectuals, atheists were practically unknown. This is probably the primary reason why, as Adrienne Koch noted, that while the American leaders "staunchly defended the principle of majority rule, they did not make a mystique of the unitary will of the nation out of it" ("Pragmatic Wisdom and the American Enlightenment," *William and Mary Quarterly*, XVIII, [July 1961], 326), as did leaders in France (see Albert Camus, *The Rebel*, trans. by Anthony Bower [New York: Vintage Books, 1956]).

It was the American's retention of the transcendent that made all the difference between what John Courtney Murray designated as "Jacobin democracy and Anglo Saxon democracy, or between 'the sovereignty of the people' in the sense of '89 and 'government of the people, for the people, and by the people' in the sense of Lincoln." "The Problem of State Religion," in *Theological Studies*, XII, 2 (June, 1951), 164. Murray designated the "absolutist statemonism" of the former as "laic" or "laicized" and "'the liberal tradition'" of the West, as "lay" democracy. "Contemporary Orientations of Catholic Thought on Church and State in the Light of History," *Theological Studies*, X, 2 (June, 1949), 226.

"The brand of deism" of Jefferson and most of the Americans "was definitely English in orientation, rather than French" as Adrienne Koch argued. *The Philosophy of Thomas Jefferson* (Chicago: Quadrangle Books, 1964), p. 27.

[8]*The Age of Reason*, in Arthur W. Peach, ed., *Selections from the Works of Thomas Paine* (New York: Harcourt, Brace, 1928), pp. 250-51.

[9]In Lester J. Cappon, ed., *The Adams-Jefferson Letters*, Vol. II, 1812-1826 (Chapel Hill: University of North Carolina Press, 1959), p. 373.

Back of this paragraph, and indeed of my whole argument, lies the view delineated by R. G. Collingwood in Part IIIA of his *An Essay on Metaphysics* (Oxford: Clarendon Press, 1940).

[10]"Isaac Backus and the Separation of Church and State in America," *American Historical Review*, LXXIII (June 1968), 1404.

[11]In "A Memorial and Remonstrance on the Religious Rights of Man," as in Joseph L. Blau, ed., *Cornerstones of Religious Liberty in America*, rev. ed. (New York: Harper & Row, 1964), p. 84.

The test of this position is the ability to entertain the possibility that one might be wrong even in matters of life and death. Franklin stated this in the final word of his "Dialogue Between Two Presbyterians": "In the present weak State of humane Nature, surrounded as we are on all sides with Ignorance and Error, it little becomes poor fallible Man to be positive and dogmatical in his Opinions ... since 'tis an Uncertainty till we get to Heaven what true Orthodoxy in all points is...." In Adrienne Koch, *The American Enlightenment*, p. 118.

Franklin exemplified the position in his plea for acceptance of the Constitution, saying "...I consent, Sir, to this Constitution, because I expect no better, and because I am not sure that it is not the best, [and] ... I ... wish, that every member of the Convention who may still have objections to it, would with me on this occasion doubt a little of his own infallibility...." *Ibid.*, pp. 144-45.

Similarly John Adams in discussing theories of power, readily admitted, "I may be deceived as much as any of them" who have different views. *The Adams-Jefferson Letters---* , Vol. II, 463.

[12]In his "Notes on Religion" Jefferson stated the principle clearly: "The care of every man's soul belongs to himself.... The magistrate has no power but what the people gave. The people have not given him the care of souls because they could not, they could not, because no man has *right* to abandon the care of his salvation to another." In Padover, *The Complete Jefferson*, pp. 943-44.

[13]In Lester J. Cappon, ed., *The Adams-Jefferson Letters---* , Vol II, 1812-1826. (Chapel Hill: University of North Carolina Press, 1959), p. 608.

To Adams and Jefferson, as to most of the American leaders, the "substance and essence of Christianity" was the same as that of all religions—the famous "essentials of every religion" as Franklin called them. These men saw clearly that one could not speak religiously to pluralistic America in sectarian terms. In explaining an answer he gave to an "Army of fine young Fellows" among whom were "Roman Catholicks, English Episcopalians, Scotch and American Presbyterians, Methodists, Moravians, Anabaptists, German Lutherans, German Calvinists[,] Universalists, Arians, Priestleyans, Socinians, Independents, Congregationalists, Horse Protestants and House Protestants, Deists and Atheists; and ... 'Protestants who believe nothing'" Adams said he could appeal to them only on the basis of "the general Principles of Christianity, in which all those Sects were United: And the *general Principles* of English and American Liberty, in which all those young Men United...." Adams avowed "I then believed, and now believe, that those general Principles of Christianity, are as eternal and immutable, as the Existence and Attributes of God; and that those Principles of Liberty, are as unalterable as human Nature and our terrestrial, mundane system." *Ibid.*, pp. 339-40.

[14]By forms here is meant organizations, rituals, theological systems. The latter are essentially pictures of God, of the kind suggested in the folklore story of the little boy drawing a picture. When asked what he was drawing he said, "A picture of God." But, protested his mother, "No one knows what God looks like." "They will when I get through," the boy asserted.

[15]In 1816 Jefferson wrote, "I have ever judged of the religion of others by their lives ... for it is in our lives and not from our words, that our religion must be read." Padover, *The Complete Jefferson*, p. 955. A few months later he wrote to John Adams, that he had told a biographer "say nothing of my religion. It is known to my god and myself alone. It's [*sic*] evidence before the world is to be sought in my life. If that has been honest and dutiful to society, the religion which has regulated it cannot be a bad one." Cappon, ed., *The Adams-Jefferson Letters*, II, p. 506.

Franklin in his "Dialogue Between Two Presbyterians" summed up his belief: "I understand it to be the Will of God, that we should live virtuous, upright, and good-doing Lives; as the Prophet understood it, when he said, What doth the Lord require of thee, O Man, but to do justly, love Mercy, and walk humbly with the Lord thy God." Faith, he argued, "is recommended as a Means of producing Morality: Our Saviour was a Teacher of Morality or Virtue, and they that were deficient and desired to be taught, ought first to believe in him as an able and faithful Teacher. Thus Faith would be a Means of producing Morality, and Morality of Salvation. But that from such Faith alone Salvation may be expected, appears to me to be neither a Christian Doctrine nor a reasonable one.... Morality or Virtue is the end, Faith only a Means to obtain that End: And if the End be obtained, it is no matter by what Means...." In Adrienne Koch, *The American Enlightenment*, p. 115.

In 1816 John Adams asserted that "my morall or religious Creed, ... has [been] for 50 or 60 Years ... contained in four short Words 'Be just and good.'" This he thought was what all religious teaching boiled down to. This result, Jefferson thought in reply, "is that in which all our enquiries must end." Cappon, ed., *Adams-Jefferson Letters*, pp. 449, 506.

[16]In "Natural Religion and Religious Liberty in America," *The Journal of Religion*, XXV (January 1945), 54-55.

[17]This theme, of course, has a long history in Christendom. In America the progeny include Joseph Priestley's two-volume *History of the Corruptions of Christianity* (Birmingham: J. Thompson, 1793), and highly regarded by Jefferson; and Kirby Page's *Jesus or Christianity* (Garden City, N.Y.: Doubleday Doran & Co., 1929), which had its vogue in the 1930s.

[18]In *Notes on the State of Virginia*, Query xvii, in Padover, *The Complete Jefferson*, 676.

[19]F.C.S. Schiller, "Pragmatism, Humanism, and Religion" (first pub. 1929), in *Must Philosophers Disagree? and Other Essays in Popular Philosophy* (London: Macmillan & Co., 1934), p. 319.

[20]The bill was first introduced into the Virginia Assembly in 1779 but so opposed that it was not adopted, with minor changes, until 1786. Padover, *The Complete Jefferson*, pp. 946-47.

[21]In *Notes on the State of Virginia*, Query xvii, in Padover, *The Complete Jefferson*, 675-76.

Jefferson repeated this sentiment many times. In 1815 he wrote, "Difference of opinion leads to inquiry, and inquiry to truth; and that, I am sure, is the ultimate and sincere object of us both." Padover, *The Complete Jefferson*, p. 954.

Again, "I am pleased, however, to see the efforts of hypothetical speculation, because by the collisions of different hypotheses, truth may be elicited and science advance in the end" in John Dewey, ed., *The Living Thoughts of Thomas Jefferson* (New York: Fawcett World Library, 1957), p. 15.

Franklin, speaking of "The Internal State of America" in 1785, noted that "There are parties and discords" but "such will exist wherever there is liberty; and perhaps they help to preserve it. By the collision of different sentiments, sparks of truth are struck out, and political light is obtained" in Adrienne Koch, *The American Enlightenment*, p. 141.

Jefferson concluded that "Nothing but free argument, raillery and even ridicule will preserve the purity of religion" in Padover, *The Complete Jefferson*, p. 939.

This view was apparently quite widespread and clearly expressed by several Independent Divines in England in the 1640s, as Winthrop S. Hudson has made clear in his article, "Denominationalism as a Basis for Ecumenicity: a Seventeenth Century Conception," *Church History*, XXIV (1955), 32-51. As one of them put it, "Sparks are beaten out by the flints striking together. Many sparks of light, many truths, are beaten out by the beatings of men's spirits one against another," p. 40. The words are so nearly alike that one wonders if Franklin had learned them from his seventeenth-century predecessor.

In the thinking of the founders this was a, perhaps the, primary premise of the Republic they envisaged. Madison stated it clearly in the fifty-first Federalist Paper: "In a free government the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects. The degree of security in both cases will depend on the number of interests and sects;. . ."

[22]See John H. Randall, Sr., and John H. Randall, Jr., *Religion and the Modern World* (New York: Frederick A. Stokes Co., 1929), pp. 27-28.

[23]William A. Clebsch, *From Sacred to Profane America: the Role of Religion in American History* (New York: Harper & Row, 1968), p. 65.

[24]This is spelled out in my article, "The Rise of the Evangelical Conception of the Ministry in America (1607-1850)," in H. Richard Niebuhr and Daniel D. Williams, eds., *The Ministry in Historical Perspectives* (New York: Harper & Bros., 1956), pp. 207-49.

[25]*The Northern Baptist Convention Annual*, 1908, pp. 25-27.

Reading 18: Robert Bellah

From "Civil Religion in America." by Robert N. Bellah. Reproduced by permission of *Daedalus*, Journal of the American Academy of Arts and Sciences, *Religion in America* Vol. XCVI (Winter 1967), Boston, MA.

In an essay that generated much interest at the time of its publication, even though its general argument had been anticipated, as the two foregoing selections by Will Herberg and Sidney Mead suggest, Robert Bellah carried the discussion of a cultural or public religion in America one step further. Bellah agrees with Mead that a religious alternative to traditional Christianity developed in the eighteenth century, but he does not think that this alternative religious tradition can be confined to the intellectual period or set of ideas known as the Enlightenment, and he does not feel that it ever conceived itself as a substitute for historic Christianity. Civil religion in America simply set for itself a different series of tasks than traditional Christianity, though these tasks or functions are equally distinct from any that can be associated with the religion of the American way of life.

American civil religion does not promote the worship of the American way of life or any of its more representative institutions such as free enterprise or political egalitarianism. Instead, it invokes a sense of ultimate reality in an effort to place the whole of the American experience in a transnational, if not a transcendent, perspective. To do this American civil religion draws freely on certain Biblical themes and archetypes (Chosen People, Errand into the Wilderness, New Jerusalem), but applies them to America's own sacred occasions and locations.

"Civil Religion in America"

While some have argued that Christianity is the national faith, and others that church and synagogue celebrate only the generalized religion of "the American Way of Life," few have realized that there actually exists alongside of and rather clearly differentiated from the churches an elaborate and well-institutionalized civil religion in America.... This religion—or perhaps better, this religious dimension—has its own seriousness and integrity and requires the same care in understanding that any other religion does.

[President John F.] Kennedy's inaugural address ... serves as an example and a clue with which to introduce this complex subject....[There] are three places in this brief address in which Kennedy mentioned the name of God. If we could understand why he mentioned God, the way in which he did it, and what he meant to say in those three references, we would understand much about American civil religion....

Let us consider first the placing of the three references. They occur in the two opening paragraphs and in the closing paragraph, thus providing a sort of frame for the more concrete remarks that form the middle part of the speech. Looking beyond this particular speech, we would find that similar references to God are almost invariably to be found in the pronouncements of American presidents on solemn occasions....

It might be argued that the passages ... reveal the essentially irrelevant role of religion in the very secular society that is America. The placing of the references ... indicates that religion has "only a ceremonial significance." ...But we know enough about the function of ceremonial and ritual in various societies to make us suspicious of dismissing something as unimportant because it is "only a ritual." What people say on solemn occasions need not be taken at face value, but it is often indicative of deep-seated values and commitments that are not made explicit in the course of everyday life....

It might [also] be countered that the very way in which Kennedy made his references reveals the essentially vestigial place of religion today. He did not refer to any religion in particluar. He did not refer to Jesus Christ, or to Moses, or to the Christian church; certainly he did not refer to the Catholic Church. In fact, his only reference was to the concept of God, a word which almost all Americans can accept but which means so many different things to so many different people that it is almost an empty sign....

These questions are worth pursuing because they raise the issue of how civil religion relates to the political society.... President Kennedy was a Christian, more specifically a Catholic Christian. Thus, his general references to God do not mean that he lacked a specific religious commitment. But why, then, did he not include some remark to the effect that Christ is the Lord of the world or some indication of respect for the Catholic Church? He did not because these are matters of his own private religious belief and of his relation to his own particular church; they are not matters relevant in any direct way to the conduct of his public office....

Considering the separation of church and state, how is a president justified in using the word *God* at all? The answer is that the separation of church and state has not denied the political realm a religious dimension. Although matters of personal religious belief, worship, and association are considered to be strictly private affairs, there are, at the same time, certain common elements of religious orientation that the great majority of Americans share. These have played a crucial role in the development of American institutions and still provide a religious dimension for the whole fabric of American life, including the political sphere. This public religious dimension is expressed in a set of beliefs, symbols, and rituals that I am calling the American civil religion. The inauguration of a president is an important ceremonial event in this religion. It reaffirms, among other things, the religious legitimation of the highest political authority.

Let us look more closely at what Kennedy actually said. First he said, "I have sworn before you and Almighty God the same solemn oath our forebears prescribed nearly a century and three quarters ago." ... Beyond the Constitution ... the president's obligation extends not only to the people but to God. In American political theory, sovereignty rests, of course, with the people, but implicitly and often explicitly, the ultimate sovereignty has been attributed to God.... What difference does it make that sovereignty belongs to God? Though the will of the people as expressed in majority vote is carefully institutionalized as the operative source of political authority, it is deprived of an ultimate significance. The will of the people is not itself the criterion of right and wrong. There is a higher criterion in terms of which this will can be judged; it is possible that the people may be wrong. The president's obligation extends to this higher criterion.

When Kennedy says that "the rights of man come not from the generosity of the state but from the hand of God," he is stressing this point again. It does not matter whether the state is the expression of the will of an autocratic monarch or of the "people"; the rights of man are more basic than any political structure....

But the religious dimension in political life as recognized by Kennedy not only provides a grounding for the rights of man which makes any form of political absolutism illegitimate, it also provides a transcendent goal for the political process. This is implied in his final words that "here on earth God's work must truly be our own." ... The whole address can be understood as only the most recent statement of a theme that lies very deep in the American tradition, namely the obliga-

tion, both collective and individual, to carry out God's will on earth.... That this very activist and non-contemplative conception of the fundamental religious obligation, which has been historically associated with the Protestant position, should be enunciated so clearly in the first major statement of the first Catholic president seems to underline how deeply established it is in the American outlook....

The words and acts of the founding fathers ... shaped the form and tone of the civil religion as it has been maintained ever since. Though much is selectively derived from Christianity, this religion is clearly not itself Christianity.... The God of the civil religion is ... on the austere side, much more related to order, law, and right than to salvation and love. Even though he is somewhat deist in cast, he is by no means simply a watchmaker God. He is actively interested and involved in history, with a special concern for America. Here the analogy has much less to do with natural law than with ancient Israel; the equation of America with Israel in the idea of the "American Israel" is not infrequent.... Europe is Egypt; America, the promised land. God has led his people to establish a new sort of social order that shall be a light unto all the nations....

What we have, then, from the earliest years of the republic is a collection of beliefs, symbols, and rituals with respect to sacred things and institutionalized in a collectivity. This religion—there seems no other word for it—while not antithetical to and indeed sharing much in common with Christianity, was neither sectarian nor in any specific sense Christian.... Nor was the civil religion simply "religion in general." While generality was undoubtedly seen as a virtue by some ..., the civil religion was specific enough when it came to the topic of America. Precisely because of this specifity, the civil religion was saved from empty formalism and served as a genuine vehicle of national religious self-understanding.

But the civil religion was not ..., with the exception of a few radicals like Tom Paine, ever felt to be a substitute for Christianity. There was an implicit but quite clear division of function between the civil religion and Christianity. Under the doctrine of religious liberty, an exceptionally wide sphere of personal piety and voluntary social action was left to the churches. But the churches were neither to control the state nor to be controlled by it. The national magistrate, whatever his private religious views, operates under the rubrics of the civil religion as long as he is in his official capacity....

The civil religion has not always been invoked in favor of worthy causes. On the domestic scene, an American-Legion type of ideology that fuses God, country, and flag has been used to attack nonconformist and liberal ideas and groups of all kinds. Still, it has been difficult to use the words of Jefferson and Lincoln to support special interests and undermine personal freedom....

With respect to America's role in the world, the dangers of distortion are greater and the built-in safeguards of the tradition weaker.... Never has the danger been greater than today. The issue is not so much one of imperial expansion, of which we are accused, as of the tendency to assimilate all governments or parties in the world which support our immediate policies or call upon our help by invoking the notion of free institutions and democratic values. Those nations that are for the moment "on our side" become "the free world." ... The civil religion has exercised long-term pressure for the humane solution of our greatest domestic problem, the treatment of the Negro American. It remains to be seen how relevant it can become for our role in the world at large....

The civil religion ... is also caught in another kind of crisis, theoretical and theological, of which it is at the moment largely unaware. "God" has clearly been a central symbol in the civil religion from the beginning and remains so today.... In the late-eighteenth century this posed no problem; even Tom Paine ... was not an atheist.... But today ... the meaning of the word *God* is by no means so clear or so obvious.... If the whole God symbolism requires reformulation, there will be obvious consequences for the civil religion, consequences perhaps of liberal alienation and of fundamentalist ossification that have not so far been prominent in this realm. The civil religion has been a point of articulation between the profoundest commitments of the Western religious and philosophical tradition and the common beliefs of ordinary Americans. It is not too soon to consider how the deepening theological crisis may affect the future of this articulation....

In conclusion it may be worthwhile to relate the civil religion to the most serious situation that we as Americans now face.... This is the problem of responsible action in a revolutionary world, a world seeking to attain many of the things, material and spiritual, that we have already attained. Americans have, from the beginning, been aware of the responsibility and the significance our republican experiment has for the whole world....

Every president since [Franklin D.] Roosevelt has been groping toward a new pattern of action in the world, one that would be consonant with our power and our responsibilities.... There seems little doubt that ... the attainment of some kind of viable and coherent world order would precipitate a major new set of symbolic forms. So far the flickering flame of the United Nations burns too low to be the focus of a cult, but the emergence of a genuine trans-national sovereignty would certainly change this. It would necessitate the incorporation of vital international symbolism into our civil religion, or, perhaps a better way of putting it, it would result in American civil religion becoming simply one part of a new civil religion of the world. It is useless to speculate on the form such a civil religion might take though it obviously would draw on religious traditions beyond the sphere of Biblical religion alone. Fortunately, since the American civil religion is not the worship of the American nation but an understanding of the American experience in the light of ultimate and universal

reality, the reorganization entailed by such a new situation need not disrupt the American civil religion's continuity. A world civil religion could be accepted as a fulfillment and not a denial of American civil religion. Indeed, such an outcome has been the eschatological hope of American civil religion from the beginning. To deny such an outcome would be to deny the meaning of America itself.

Behind the civil religion at every point lie Biblical archetypes: Exodus, Chosen People, Promised Land, New Jerusalem, Sacrificial Death and Rebirth. But it is also genuinely American and genuinely new. It has its own prophets and its own martyrs, its own sacred events and sacred places, its own solemn rituals and symbols. It is concerned that America be a society as perfectly in accord with the will of God as men can make it, and a light to all the nation.

It has often been used and is being used today as a cloak for petty interests and ugly passions. It is in need—as is any living faith—of continual reformation, of being measured by universal standards. But it is not evident that it is incapable of growth and new insight. . . .

Reading 19: John Murray Cuddihy

From *No Offense: Civil Religion and Protestant Taste* by John Murray Cuddihy. © 1978 John Murray Cuddihy. Published by Seabury Press. Used with permission. All rights reserved.

John Murray Cuddihy, a sociologist of culture and religion, seeks to turn the civil religion discussion on its head by arguing that American civil religion is really a religion of civility. This becomes evident, Cuddihy maintains, when we no longer ask with Robert Bellah or Sidney Mead or even Will Herberg what civil religion professes but inquire instead what it practices. Civil religion practices a code or etiquette or belief that instructs Americans in how to be religiously inoffensive, in the way to accommodate religious differences. Civil religion is thus the ritual of religious pluralism and choreographs the rites of toleration.

But if the American religion of civility is thus preoccupied with good manners and their appropriate expression, it does not, as Robert Bellah likes to think, keep its place. According to John Murray Cuddihy, American civil religion is, in fact, incivil, since it is always invading the precincts of the more traditional religious forms and attempting to co-opt them. From this perspective, the most subversive and treacherous aspect of the American religion of civility is its geniality.

"A Nation of Behavers"

Defining "civil religion" has become a large and thriving academic cottage industry. First Hobbes, Rousseau, and Durkheim, then, in our own time, Herberg, Bellah, and Parsons have tried to get a fix on the slippery phenomenon known as "civil religion."

I argue . . . that we will never know what "civil religion" is until we stand it on its head, inverting civil religion into the "religion of civility." Like any religion that is alive, civil religion shows its true colors in its practices and rites. Religion is as religion does. Civil religion operationally defined is the religion of civility. It is a myth, then, based on my redefinition, that we can know what civil religion is by doing a credal inventory or by writing a compendium of civil theology. This is the first myth.

There is a second myth: That this elaborate and well-institutionalized civil religion in America exists, as I unpack its meaning, in Robert Bellah's classic definition, "alongside of and rather clearly differentiated from the churches"[1] and that, consequently, the relationship of the churches to civil religion, however defined, has been, Mary Schneider writes, "generally one of peaceful coexistence."[2]

No, despite the word "civil" in its name, it is simply not true that civil religion knows its place and keeps its place, speaks only when spoken to, and runs politely "parallel" to the religions of the churches, coexisting platonically "alongside" their particular creeds. True, civil religion doesn't nail itself noisily to the portals of Protestant, Catholic, and Jewish houses of worship. Nevertheless, under cover of its prim title, civil religion, in its rites and practices, is activist, aggrandizing, subversive, intrusive, incivil. Sometimes it waits outside the churches and waylays with its niceness their members as they file out. Sometimes it enters without knocking into their minds, and penetrates the core beliefs of their theologies, refining and "civilizing" them from within. Sometimes, reaping its benefits serendipitously from social mobility—when entire religious bodies are upwardly mobilized—it refines them behind their backs, so to speak, secretly and gradually substi-

tuting its civil and civilized ways for the uncouth truths of an earlier time. "Time makes ancient good uncouth," runs the old James Russell Lowell hymn.[3]

When candidate Jimmy Carter, Southern "born-again" Baptist, campaigned for the presidency in 1976, he ran head-on into civil religion. But the civil religion he collided with was not the civil religion that civil theologians, like Robert Bellah, speak of, a system of national and generalized beliefs supported by most Americans. Carter encountered the civil religion that Americans, more and more, practice, whatever they profess. This complex code of rites instructs us in the ways of being religiously inoffensive, of giving "no offense," of being *religiously* sensitive to religious differences. To be complexly aware of our religious appearances *to others* is to practice the religion of civility. Thus, civil religion is the social choreography of tolerance. It dances out an attitude.

Columnist Meg Greenfield, for example, early in the 1976 presidential campaign, recalling that Jimmy Carter, when asked by a television interviewer whether he planned to address the "uneasiness" of Catholic voters, had replied, "Yes, I do, and [also the uneasiness of] Protestant voters and nonbelievers and Jews," went on to bet that nine out of ten of Carter's Jewish viewers had wondered "what we [Jews] were doing on the wrong side of nonbelievers."[4] Carter, obviously, was so preoccupied in avoiding one religious incivility—his vigilant circumspection had carefully euphemized biblical religion's "unbelievers" into civil religion's "nonbelievers"—that, inadvertently, he had committed another offense! The code of religious etiquette to which civil religion is committed is, indeed, a demanding one.

Miss Greenfield explains Carter's incivil insensitivity as a form of regional and subcultural lag. "I expect that as the campaign wears on," she mused, "Carter will get a load of sensitivity training from his Jewish advisers. He will learn that the word 'Christian,' repeatedly invoked, is regarded by Jews as a close-out, a push-off. He may even be persuaded to use one of those meringue constructions like 'some unseen greater force' or whatever it is."[5] In fact, not so many years ago, one of Carter's theologian heroes, the late Reinhold Niebuhr, came "up from Biblical fundamentalism" into the civility of the civil religion by precisely the sensitivity training route Miss Greenfield maps out for Carter.

But even as she wrote, Jimmy Carter was receiving a few tips on the do's and don'ts of "total immersion" in the civil religion from pundit Harriet Van Horne.[6] Carter, the *New York Post* columnist remarked, has obviously, "risen above the narrow tenets of his church." Nevertheless, his "down-home, born-again Christianity still *offends* many people, and he ought, by now, to see why." Miss Van Horne then proceeds to tell him why: he lacks the premier rite in the civil religion Americans practice (whatever their differences in defining it): he is wanting in religious tact. Hence he gives offense. "In this ecumenical age," she instructs him, "it might be more tactful for Governor Carter to cite the Judeo-Christian ethic rather than attributing all his talk of love and humility to the teachings of Jesus." "What a pity," she later exclaims, "that we cannot find a new spirit of ecumenicalism [sic] in this campaign, a new appreciation of what is properly the *Judeo*-Christian ethic." Finally, this deaconess of civil religion goes to the root of Carter's "offense" against civil religion: his heresy is in his "sectarian divisiveness." "Why," she asks rhetorically, "should any religious sect consider its view of God the only one?" But, whatever his view of God, there was never any question that Jimmy Carter's twice-born smile of Christian sociableness issued from the civility of civil religion, that it at least was undivisive and committed "no offense." Never mind that, to some, this inoffensiveness would prove offensive.

* * *

This book, then, is a study of what happens to European religious and political beliefs when they land on American shores. They are civilized. They are taught how to behave. They are tamed.

Europe is the home of classical religious theology and classical political ideology: Catholicism, Protestantism, Judaism; Socialism, Marxism, Communism. Europe was and, to some extent, still is, the mother of fanaticism. Europe is a continent of believers. America, on the other hand, is "a nation of behavers."[7]

Immigrants arrive with their sects, shuls, and churches. America then teaches them to be discreet. It does so by means of its unique creation: the denomination, or better, many denominations. This is known as "pluralism." America tames religious sects up into denominations, bringing them into the respectable middle class. America also tames churches down into denominations (the American Catholic church is one of its recent converts and now bears the humble civil demeanor of an American denomination).

The denominational system converts religions to the multi-party system of religious pluralism; the political system converts ideological or third-party politics and movements to the two-party system of political dualism.

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[1]Robert N. Bellah, "Civil Religion in America," in *Beyond Belief: Essays on Religion in a Post-Traditional World* (New York: Harper & Row, 1970), p. 168.

[2]Mary L. Schneider, "The American Civil Religion Course: Problems and Perspectives," *Religious Education*, May-June 1976 (vol. 71, no. 3), p. 322.

[3]Hymn No. 519, "Ebenezer" ("Once to every man and nation . . ." James Russell Lowell, 1845), *The Hymnal of the Protestant Episcopal Church in the United States of America* (Greenwich, Conn.: The Seabury Press, 1940).

[4]Meg Greenfield, "Carter and the Once Born," *Newsweek*, Aug. 3, 1976, p. 80.

[5]Ibid.

[6]Harriet Van Horne, "Good Omens," *New York Post*, June 21, 1976, p. 21 (my italics).

[7]I allude here to, and coopt for my own purposes, the title of Martin E. Marty's *A Nation of Behavers* (Chicago and London: The University of Chicago Press, 1976). For the innovations of Marty's book see my review of it in *Worldview*, May 1977 (vol. 20, no. 5).

Reading 20: John F. Wilson

From *Public Religion in American Culture* by John F. Wilson (Temple University Press, 1979). Reproduced by permission of Temple University Press.

The American religious historian John F. Wilson is prepared to argue that the attempt to define an American civil or public religion is religiously symptomatic itself. To be specific, it is symptomatic of the attempt to revive commitment in the central tenets of civil religion when they have suffered a loss of public confidence. For this reason, Professor Wilson can describe the civil religion debate as a revitalization movement.

The term "revitalization movement" is borrowed from anthropology where it refers quite specifically to social movements which seek to recover the religious legacy at the center of cultures which are felt to be presently endangered. Revitalization movements thus develop most frequently during periods of rapid and often distressing social change where one set of cultural meanings is in the process of being supplanted by another. Revitalization movements try to save the endangered culture by repossessing those traditions or ideas within it that are felt to express its deepest significance. Viewed in this light, all the different definitions of American civil or cultural religion result from an erosion of public faith in the American system of values and beliefs and represent the attempt to restore confidence in that system by reinterpreting its ultimate meanings against a background of broadly social and political symbols and events.

"The Civil Religion Proposed as a Revitalization Movement in American Culture"

. . . How may we interpret the development of the proposal that there is a civil religion in America? What significance should we assign to the emergence of a religious movement based upon such a proposal?

Elaboration of religiously grounded claims frequently entails an explicit historical trajectory set out in terms of origin and destiny. Under Robert Bellah's construct, the American civil religion is believed to point toward a world order; its destiny is to become transformed into a global civil religion. The religion of the republic, the construction proposed by Sidney Mead, is thought to carry the burden of a cultural revolution originating with the Enlightenment. This event, possibly the most momentous cultural event in history, is believed to reach fullest expression in the ideal of the American republic.[1] Thus, each of these particular constructs includes a historical interpretation placed upon public religion cast in terms of universalistic claims. When viewed with some detachment, however, both of these proposals appear to be highly ethnocentric. In the framework of a critical approach to religious movements, the logically necessary question is how such worldviews function as social constructions. How might we understand the appeal of civil religion, or the religion of the republic, as the basis for a social movement?

One of the conditions under which religious movements appear to develop is that of rapid social change, especially when an older and possibly waning culture is threatened by a newer and dynamic one. Anthropologists have identified numerous instances of this kind of phenomenon. The cargo-cults of New Guinea have become a classical example on the basis of the excellent field reports and associated analysis which we have about them. The cults are usefully understood as millenarian movements, as responses in the idioms at hand—so to speak—to perceived threats from superior cultures.[2] Movements for revival or renewal of North American Indian cultures developed under broadly comparable conditions. Anthony F.C. Wallace has suggested an analytical model of the revitalization movement as a means of conceptualizing how a beleaguered society reaches for religious self-understanding out of the past, in terms which are familiar from the tradition at hand. This is a means of coping with an uncertain present and a threatening future.[3] In this most general

framework, revitalization movements are interpreted as attempts to recover, heighten, and strenuously advocate adherence to the religious legacy believed to be the center of the particular endangered culture. The anticipated outcome is preservation of that culture, possibly including the achievement of a more perfect embodiment of its central commitments. Of course, in a critical perspective, the recovered or revitalized culture is actually different from the older one. It has undergone a selective adaptation. In that process, elements have been damped or heightened and the whole reorganized, usually in response to particular interest groups in the society.

If we seek an interpretation of the recent proposals about public religion in America in terms available from critical studies of religious movements, we can probably do no better than to view them as potential revitalization movements occasioned by widespread loss of internal confidence in American society and changed external cultural relationships.[4] It is obvious that sub-cultures, such as those of black Americans or Spanish-speaking Americans (and a host of others), have become ethnically self-conscious enough to call into question the viability of traditional American society. This is in part because a broadly Protestant hegemony is experienced as alien and oppressive. Those sensitive to this situation have responded in different ways. One kind of response to this perceived condition has been resonance to the call for recovery of a civil religion or religion of the republic. While the manifest symbols of these proposals may be universal and global, the latent basis for interest in and support of them has more likely been a concern that the old familiar ways are directly challenged and severely threatened.

Interestingly enough from this perspective, the ideological contents of revitalization movements turn out to be culturally specific versions of American Protestant Christianity, more classical than modern, which have been given a content of broadly political symbols and events. These constructs, in line with accepted critical interpretations of such movements, probably have more currency as reconceptualizations of past ideologies than as direct continuations of them.

Why should an idealized past be so prominent in these proposals? Partly because particular versions of Protestantism have repeatedly proved to be divisive, especially in the American setting. But at least as important, the latent strategy of a revitalization movement is to counter a threat to the whole social fabric and, generally, to enlist Americans under more inclusive symbols and commitments than the narrower inherited construction would permit. In some respects, then, it may be helpful to interpret the civil religion phenomenon more properly as a latent political revitalization movement than as a manifestly religious one. At one level, this is because politics is the realm in which consensus is achieved in modern societies in spite of other divergent opinions. But at another level, the perceived threat may be that politics as a means of governing communities is proving to be anachronistic; societies seem less readily subject to control through classical political means. If this is the felt threat, the culture threatened is one in which the political process is taken seriously as a means of significantly affecting society.

On this view, it could be argued that we are passing beyond an era in which politics was the accepted means to resolve social conflict. This era began in the seventeenth century after the prolonged religious struggles in Europe seemed to demonstrate that institutions and practices based upon religious frameworks of intelligibility could not cope with the deep changes wracking the social orders. The wars of religion, on this view, marked the end of an epoch in European history. Religious language proved unable to produce intelligibility in the social world, and religious ritual failed to bring tolerable coherence to society. The arena of political life in the modern world, one of compromise, manipulation, agreement, and, as a last resort only, force, developed to confront these issues directly. On this hypothetical scenario, the era of the world wars in the twentieth century might appear, in retrospect, to have been the period in which classical political skills proved to be outmoded as means of contending with social change. In the place of this outmoded world—of both intelligibility and action—a new one will undoubtedly emerge, likely predicated upon economic management. This would seem to be the effective means currently available to control societies which cannot be ordered through political action, in the way that the European lands of the seventeenth century could not be governed within essentially religious frameworks of belief and behavior.

This kind of perspective is interesting because the manifest ends directly sought through movements like an American civil religion—especially universal political communities—appear more likely to be achieved indirectly. Ironically, the maligned multi-national corporation may prove to be a more effective vehicle for achieving a stable world order than either ecumenical activities among the traditional religious communities or a vital United Nations (even one supported through global civil religious commitments). A broadly economic framework which seeks to relate perceived self-interests to awareness of interdependence probably has promise of being more effective than explicitly universal religious or political world views.

As a large framework, this is a suggestion that the civil religion proposal be viewed as a political-religious revitalization movement at a transition point to new global arrangements based on more strictly economic calculations. This may seem to be an interpretive framework which is implicitly based on a model in which a secularization of modern cultures is the central given. That is not necessarily the case. Such large-scale frameworks do entail many other issues than the ones strictly at issue in this discussion of public religion. It does seem possible to suspend judgment about whether such a hypothetical

process as we have suggested must entail a full-scale secularization framework. Instead, we might direct attention to more modest and more empirical observations, such as have formed the basic material of the study.

If by suggesting that the American civil religion proposal may be identified as the ideological core of a revitalization movement, we have seemed to diminish its significance (by associating it with the Ghost Dance movement, as an example), that is unfortunate. Better parallels to it might be found in such religio-social movements as pietism in the German Lands (and others) in the eighteenth century, or Stuart Puritanism in seventeenth-century England. Versions of millenarianism in nineteenth-century America may provide a yet closer parallel, even antecedent. The point is that in each case an older culture was deeply challenged by new social conditions, and its existence seemed to be threatened. As a cultural strategy, it moved to consolidate and reexpress what it took to be its essential commitments. Usually through a prophet or a cadre of leaders, the movement worked to conserve the old in the face of social change. So the civil religion proposal, or the advocacy of a religion of the republic, might be seen, finally, as the attempt, through a variety of particular forms, to distill the old political culture of the United States which was supported by a broadly Protestant establishment. The purpose is to conserve the culture even as it, and the associated establishment, is threatened from within and without. Should the political culture prove to be resilient and thus durable, it is likely that the American civil religion proposal will either be forgotten as a curious cultural episode, or celebrated as central to a renewed nationalism. Should the alternative scenario develop, and the political culture be finally displaced by a broadly eco ic culture, then we might expect it to remain as a fossiliz ingredient in our society, though increasingly peripheral to central concerns of the latter and with progressively less influence upon it. . . .

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[1]The phrase is the title of a book edited by Elwyn Smith, *The Religion of the Republic* (Philadelphia, 1971). Mead developed the phrase in his essay, "The 'Nation with the Soul of a Church.'" Mead appropriated that title from G. K. Chesterton. Mead's essay originally appeared in *Church History*.

[2]See especially Kenelm Burridge, *New Heaven, New Earth*.

[3]See "Revitalization Movements," in *American Anthropologist*, Volume 58, pp. 264-81.

[4]Insufficient attention has been given to this component of Bellah's original essay, "T Third Time of Trial," in "Civil Religion in America," pp. 16-18, which echoes the Kennedy inaugural.

Reading 21: Henry F. May

From *Ideas, Faiths, and Feelings: Essays on American Intellectual and Religious History 1952-1982* by Henry F. May, pp. 164-172, 181-183. © 1983 by Henry F. May. Reprinted by permission of Oxford University Press, Inc.

In this selection the intellectual historian Henry F. May helps clarify some of the ideological contents of American civil religion as a revitalization movement by defining those elements within the American Christian heritage which have been given broadest social and political symbolization. Professor May's analysis centers around three elements—Progressive, Patriotic, Protestant—whose unified form gave to American religion, he believes, such coherence and distinguishing features as it possessed up to the end of the nineteenth century. Not that there weren't other traditions that remained unassimilated—Roman Catholicism, Judaism, premillenarianism, etc.—but even those outside soon learned what they were excluded from. If this nineteenth-century American faith was frequently threatened before it finally collapsed after the First World War, few questioned its existence during the period of its dominance and almost no Americans failed to perceive its authority both in the world outside the churches and also in the world within.

"The Religion of the Republic"

In this lecture I want to ask the question, "What has been the national religion of America?" I do not mean here only the religion of the churches, nor only what Robert Bellah has brought to life before us as the civil religion of the country. Rather I want to look for something that includes and transcends both of these.

According to the anthropologists of religion, a tribal or national religion has certain crucial functions, both individual and social. For a society, a national religion must confirm its values, define its loyalties, legitimate its institutions, resolve its conflicts, sanctify its triumphs, explain and thus render bearable its disasters. At the same time, for the individuals who make up the society, a satisfactory religion must provide mean-

ing for their lives, order and dignity for their rites of passage, and some sort of solace or at least meaning in the face of death. I am much impressed by Peter Berger's suggestion that perhaps the final function of religion comes down to theodicy—technically, the vindication of God's justice; more broadly, explaining why the universe in which we live frustrates so many of our hopes. Happiness, says Berger, is not essential for human beings, but meaning is essential, and in most societies, meaning has been the province of religion.[1]

Obviously and logically, these immense tasks of a national religion can best be performed in a situation of religious establishment; or, still better, of taken-for-granted religious unity. In many societies in many periods, articulate religious dissent has been not so much prohibited as unthinkable. Clearly, pluralism and secularism would seem to diminish the status of religion, rob it of its authority, and get in the way of its functions. America has certainly been the country of pluralism and some would say of secularism as well. Yet such acute observers of America in the nineteenth century as Alexis de Tocqueville and Philip Schaff reported to astonished Europeans that religion in America, fragmented and unsupported by government, was healthier than religion in Europe. I think that this was true during the whole of the nineteenth century, the period when America formed its characteristic way of life and rose to world power. While religion was under powerful attack in several major industrial countries, it continued to pervade and sustain American culture. People in America continued to take it for granted that religious and national values were closely related and indeed almost indistinguishable from each other.

What was this powerful national religion of nineteenth-century America? That is the question this lecture seeks to answer. Not what American national religion ought to have been, or what we wish it was, but what it was in fact.[2] First it is necessary to say briefly what it was *not*.

One early claimant for the status of national religion was deism, the religion of enlightened thinkers of the eighteenth century, including some—by no means all—of America's founding fathers. Deists believed that the world had outgrown the puzzling fables and contradictory beliefs of the Bible, and that intelligent people should worship a single beneficent God, who had created a comprehensible world and was running it through the laws of nature. Thomas Paine, for one, was sure that the new republic, having overthrown irrational political institutions, would finish the job and get rid of its irrational religious institutions as well. Thomas Jefferson believed that the beneficent light of reason would eventually prevail over the last-ditch defenders of Trinitarian Christianity, though he thought that the New England clergy, whom he hated, would be the last to give in. From Jefferson's day to that of John Dewey and beyond, liberal thinkers have periodically proclaimed, in vain, the fast approaching triumph of the religion of reason, or science, or humanity. For a moment, nearly at the end of the eighteenth century, some of the defenders of orthodoxy agreed with their enemies, and feared that deism was close to triumph.

All these hopes and fears proved equally illusory. By very early in the new century one kind or another of Biblical religion was everywhere triumphant and it was the deists who were reduced to little sectarian groups, bravely resisting extinction. Had that eighteenth-century sceptic, Edward Gibbon, lived long enough, he would surely have found in the nineteenth-century United States his most telling example of the triumph of barbarism and Christianity. Deism and its liberal successors, always proclaimed as the religion of the republican future, never became the religion of more than a small elite group.

One reason for the failure of deism arises from one of the principal facts of American social history, one almost never understood by Europeans, in the eighteenth century or later. In Europe, the principal churches were identified with the aristocratic and monarchical order, increasingly seen as oppressive. In America, the churches were popular institutions, identified ever since the exodus from Europe with resistance to oppression. Moreover, in America as elsewhere, deism failed to develop either of two essentials for a successful popular or national religion. Despite a few sporadic efforts, deists never put together an adequate ritual. Even more important, deism was unable to develop a theodicy, and had no explanation for the existence of evil. If both God and man were essentially benevolent, why was the world as it was? Enlightened eighteenth-century gentlemen might say that the modern world was rapidly becoming more predictable, cheerful, and comfortable. This was not a compelling argument for those who constantly found their crops destroyed by freaks of weather, or their children carried off by the epidemics prevalent in the towns and on the frontier. For people subject to privation and periodic catastrophe, even a punishing God is more comprehensible than an entirely beneficent one. Deism could carry out some of the functions of a civic religion adequately, but it could not succeed as a personal religion. One finds in the letters of some eighteenth-century Virginians brave efforts to face the death of their children or spouses as deists, but these are not very successful. The cool preachments of the religion of reason offered little at times either of sorrow or joy.

Yet deism played some part in the development of America's national religion. In odd alliance with sectarian pietism, it helped in the period after the Revolution to complete the achievement of religious freedom, the special pride of the republic. Moreover, since it played a major part in the civic religion preached by some of the founding fathers, it could not be altogether extirpated from civic observances. On every Fourth of July, the Declaration of Independence, a covertly deist document, was read after an explanatory invocation by a Presbyterian or Baptist clergyman. Some Americans, for a while, were stuck with the difficult combination of a deist civic

religion and a Calvinist personal religion. And deism, at the end of the eighteenth century, played the essential role of a major antagonist for orthodox Christianity. Religions, like ideologies, are deeply affected by the enemies they choose, and the dominant American religion, having denounced and defeated the deists, had to insist that it too was entirely compatible with progress and with patriotism.

Until about 1800, this dominant American religion was Calvinism. It had never been exactly the Calvinism of Calvin, but rather that of Dort and Westminster, emphasizing the absolute omnipotence and inscrutability of God, the total depravity of man, and the logical necessity of predestination to heaven or hell. Out of this apparently unpromising material, seventeenth-century New England constructed the most effective tribal religion that ever existed in white America. New England Puritanism was highly organized, though its loose congregational structure fitted the needs of an expanding society. Its explanation of the justice of God was logically satisfying though by no means cheerful. Its determinism never led to quietism, but like Marxist determinism seems somehow to have spurred many to constant effort.[3] Its austere rituals seem to have helped many to accept the facts of life and death. For the community it developed the supreme ceremony of the jeremiad, in which a selected preacher pointed out to the people, in the solemn presence of their elected leaders, the great destiny and sorry failings of New England.

As its many fine historians have shown, New England Calvinism was constantly adapted and altered throughout its long life. From the beginning preachers emphasized the more reassuring parts of its message without quite denying its severe premises. Especially in the two great revivals of the 1740s and of 1800 its mood and tone were changed by popular emotional presentation. Calvinist ministers gained prestige by their almost unanimous support of the American Revolution, and then lost some of it by their narrow and bitter attack on the French Revolution and Jefferson. In the expansive years of the early nineteenth century, Calvinist doctrines were adapted by theologians of great skill. The social teachings of Calvinism were reconciled with voluntarism, democracy, and reform by that gifted and dramatic publicist Lyman Beecher, alternately groaning and exulting every inch of the way.

Despite all efforts to sustain and adapt it, by about 1815 Calvinism in any recognizable form was no longer the dominant American religion. Yet it is wrong to underrate its lingering hold on American nineteenth-century culture. As one of its excellent historians says:

> Those who see only the optimism and innocence of Jacksonian America miss the tough realism, the sense of human fallibility, that informed the post-Calvinist religious temper.[4]

The purest Calvinist doctrines were defended with great skill and vigor at Princeton and elsewhere. In its adapted form, Calvinism was able to fight to a standstill the Unitarianism of Boston, the newest form of Enlightened liberalism. In somewhat degenerate form, Calvinist doctrine helped to form the intellect of most of the American elite, since it was taught at most of the colleges. Here it was combined with laissez-faire economics to show the necessity of poverty and the depravity of the lower classes. Still more important, and far beyond the boundaries of any formal doctrinal allegiance, Calvinist ideas of child-raising continued to form the personality of countless Americans, taught from infancy to fear and control their impulses.[5]

On the highest intellectual level, Calvinism gave much of what depth it had to American nineteenth-century high culture.[6] Sometimes Calvinists held out against racism, insisting that all men were equally depraved, and pointed to unpleasant and difficult social duties, such as abolishing slavery.[7] Even in mid-century, Calvinist doctrine often seemed to be reconcilable more honestly than its liberal competitors with the teachings of Darwinism. In the greatest age of New England literature, some of the most profound thinking and writing was influenced, directly as well as indirectly, by what Herman Melville, writing about Nathaniel Hawthorne, called

> ... that Calvinist sense of Innate Depravity and Original Sin, from whose visitations, in some shape or other, no deeply thinking mind is always and wholly free.[8]

For all its important residues, however, Calvinism was both too austere and too difficult to be the national religion of America in the age of dramatic expansion and romantic emotion. By the beginning of the nineteenth century, Calvinism was everywhere declining, evangelicalism or revivalism rising. Evangelical religion is the emotional and fervent kind that depends on spreading the gospel, on individual conversion and commitment rather than on church control or theological argument. Revivalism is the social counterpart, in America, of this deeply individual kind of religion: the technique and practice of arousing collective religious enthusiasm.

In the early nineteenth century, revivalism spread through the whole culture of America, going far beyond religion into a host of causes good and bad, from temperance and antislavery to anti-Catholicism. The hope of immediate salvation and transformation spread from the individual to the national soul. A writer of 1829 quoted by Perry Miller explains this:

> The same heavenly influence which, in revivals of religion, descends on families and villages ... may in like manner, when it shall please him who hath the residue of the Spirit, descend to refresh and beautify a whole land.

"The whole land"–Perry Miller repeats, overwhelmed by the idea – "the whole beautiful, terrible, awesome land!"[9] As another excellent writer puts it, revivalism became America's answer to

> a whole host of problems: barbarism on the frontier, infidelity among the intelligentsia, panic in economic crises, obduracy of Southern slaveholders, and, most importantly, expansion of Protestant churches throughout the growing nation.[10]

As it spread, revivalism developed its own loose but effective ritual, with such devices as the mourners' bench and the anxious seat, as well as its increasingly practical methods, the advance team, the protracted meeting, etc. Its theodicy was simple and and satisfactory: man was everywhere sinful, but nowhere without hope, and God's plan included the evangelization of the world in our time. In its different Eastern, Western, and Southern forms, it offered the kind of social control badly needed by the turbulent and expanding nation. Not by establishment, but by subtle methods of inquiry, discipline, and ostracism it could rebuke drinkers, wife-beaters, cheaters, brawlers, and roughnecks.[11]

A major element in American revivalist religion was millennialism, the ancient Christian expectation of the immediate approach of the end of the world, followed by the thousand-year reign of peace and love. Closely related was perfectionism, an idea first arising out of Methodism and spreading beyond it. According to perfectionists the individual soul, after conversion, can and must grow in grace until it is completely free from sin. And as each individual soul moved toward perfection, so must the nation and the world. By the middle of the century many American Christians believed in and worked for the imminent achievement of a world without drink, war, sin, or slavery.[12]

Thus by 1850 or earlier all the elements were in place that went to make up the religion of the major and growing American Protestant churches. Still firmed up by the remnants of Calvinist discipline, American Protestantism of this period tended to be voluntaristic, activist, moralist, revivalist, missionary, and emotional. It was individualist yet conformist, egalitarian but not revolutionary, millennial and perfectionist, and utterly un-European.[13] American revivalist religion was also often narrowly moralistic and anti-intellectual, and its pervasive method tended to turn every cause, good or bad, into a rapidly growing and soon fading popular crusade. Nonetheless, it seemed to fit perfectly the feelings of most of the people of the great republic in the age of easy expansion and romantic emotion.

This was the dominant religion of the American *churches* in the middle of the nineteenth century. But our subject today is not just the religion of the churches but the religion of the people and of the nation. This I think was put together through a combination of evangelical Protestantism with American nationalism, with its Enlightenment roots and its romantic flowering. Let us call this national religion Progressive Patriotic Protestantism, and let me try now to explain what I mean by these three words.

The national religion was *progressive*. The belief in secular progress inherited from the Enlightenment was completely assimilated to the evangelical preaching of the dawning millennium. The millennium itself was to be achieved by the rapid conversion of the world to democracy and Protestant Christianity.

The national religion was *patriotic*. America, with England sometimes admitted to partial partnership, was the pattern for the world, the destined theater of the millennium, the chief motor for universal conversion.

The national religion was *Protestant*. Its spokesmen constantly invoked the mythology of the Protestant past. The forward march of freedom had commenced with the Reformation and flowered with and after the American Revolution, providentially distinguished from the godless French Revolution. Salvation by faith and the priesthood of all believers were doctrines valid for both the secular and the sacred spheres, and were sometimes translated into romantic adoration of the popular instinct. Personal and sexual morality, long the special province of the evangelical churches, were crucially important for the success of the national mission.

One must quickly admit that Progressive Patriotic Protestantism was never the religion of the whole people. It was, however, the vision of the crucial and dominant Northern middle class, a group which often forgot that it was *not* the whole people. It was the religion of those who dominated the biggest and richest churches, the national religious press, the interlocking reform movements, the colleges, the national magazines, and to some extent the politics of the nation.

* * *

From the point of view of traditional Christianity, any kind of national religion is false, and Progressive Patriotic Protestantism pretty close to the ultimate heresy. Some American Christians always said this. Many people in the churches, both liberal and conservative, believe for different reasons that the decline of this particular national faith has been a great gain for American religion. From the point of view of liberalism, the national religion was full of racial, religious, and national arrogance. From the point of view of conservative religion, it was far too optimistic about the future of the world. And one must remember that it was never the religion of everyone, but only of the dominant middle class in its confident days. At the top of the social and educational scale, religion was sometimes more critical; lower down, what prevailed was fervent individual piety, either ecstatic or very gloomy.

The pentecostal and fundamentalist movements that have flourished in recent times can be seen as part of a lower-class protest against liberal middle-class hegemony in the churches.

On the other hand, for a long time Progressive Patriotic Protestantism managed to combine with some success the functions of both a civic and a personal religion. Its Protestant content included a code of moral behavior that millions tried sincerely to follow. As for its civic component, at certain points the conviction that Americans were good made both individuals and the nation behave better than they otherwise might have. One way to judge this national religion might be to compare it with the national religions of other nations in the nineteenth century—of Britain, or France, or Germany for instance. One might guess that its democratic base made the American national religion more benign in some respects, but also more successful in disguising some kinds of oppression.

The end of a national religion, whatever its limitations, is nothing to be taken lightly.[14] Though this one has been declining sharply ever since 1919 it is still not clear what will replace it. Perhaps, unlike most societies, America will learn to get along without any national religion at all. Or perhaps a new national religion is developing. There are several powerful claimants, the most obvious of which is the triumphant and growing movement of the religious and political right. Clearly, this carries some historical echoes of the nineteenth-century national religion I have been discussing, but it is also very different. Its theological roots are full of gloom and doom, and its social message is defensive and reactionary. According to many of its principal spokesmen, America, instead of leading the world in an inevitable march toward a better future, must hold the line against powerful and evil forces. Instead of spreading the message of progress it must reassert ancient values which have been widely forgotten.

Will this new religion of the new right become the national religion? I hope not and despite recent events I do not think so. In the first place, one must remember that in this immensely diverse country, this kind of religion does not prevail outside the camp of theologically conservative Protestants, and that it cannot by any means claim the allegiance of all those within that camp. An essentially pessimistic view of history is still hard to sell to much of the American public. And in my opinion a national religion does not grow out of the strident assertions of a self-conscious movement. It must rest, rather, on a consensus so deep in the national culture that it hardly needs expression. This was the case with Progressive Patriotic Protestantism, the dominant American religion of the nineteenth century. . . .

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[1]Peter L. Berger, *The Sacred Canopy* (New York, 1967; paperback ed., 1969), 58. The various works of this sociologist have been especially helpful to me.

[2]This question cannot be discussed without reference to Robert Bellah's 1967 article on civil religion and the long discussion it began. The Bellah article and some valuable criticisms of it can be found in Russell E. Richey and Donald G. Jones, *American Civil Religion* (New York, 1974). Over many years my ideas on this and related subjects have been irrevocably influenced by the various works of Sidney Mead. An article and a book by Robert T. Handy explore this problem from a viewpoint similar to mine: "The Protestant Quest for a Christian America, 1830-1930," *Church History*, XXII (1953), 8-19; *A Christian America* (New York, 1971). My own suggestions in this essay can perhaps be seen as an effort to bring together the insights of Bellah, who discusses a purely civil American religion, and Handy, who discusses Protestantism as a national religion.

[3]Cf. Reinhold Niebuhr, *Reflections on the End of an Era* (New York, 1934), 130-31.

[4]Richard D. Birdsall, "The Second Great Awakening and the New England Social Order," *Church History*, XXXIX (1970), 364.

[5]Cf. Philip Greven, *The Protestant Temperament* (New York, 1977), 22-148.

[6]This will be argued in a forthcoming work by Bruce Kuklick.

[7]Michael C. Coleman, "Not Race, but Grace: Presbyterian Missionaries and American Indians, 1837-1893," *The Journal of American History*, LXVII (1980), 41-60. Early Calvinist antislavery is dealt with in Oliver William Elsbree, *The Rise of the Missionary Spirit in America, 1790-1815* (Williamsport, Pa., 1928).

[8]Melville, "Hawthorne and his Mosses," reprinted in Edmund Wilson, *The Shock of Recognition* (New York, 1943), 192.

[9]Miller, *The Life of the Mind in America* (New York, 1965), 11. A little later in the same book (p. 57), Miller has another striking insight about the whole missionary and revivalist thrust of the period: "We come to an inner, if not *the* central, mainspring of the missionary exertion as we recognize it as a form of romantic patriotism."

[10]C. C. Goen, "The 'Methodist Age' in American Church History," *Religion in Life*, XXXIV (1965), 565.

[11]Examples of church discipline in the West can be found in T. Scott Miyakawa, *Protestants and Pioneers* (Chicago, 1964). For Southern church discipline, see David Bailey, "Slavery and the Churches: The Old Southwest" (unpublished dissertation, Berkeley, 1979).

[12]See Timothy L. Smith, *Revivalism and Social Reform* (New York and Nashville, 1957).

[13]Un-European, but not entirely un-English. The best analysis of the similarities and differences between English and American revivalism is Richard Carwardine, *Transatlantic Revivalism* (Westport, Conn., and London, 1978).

[14]This point is powerfully made by Anthony Wallace, *Religion: An Anthropological View* (New York, 1966), 266.

Questions for Discussion

1. When religion becomes identified with culture, however systematic and formal some of its structures, as in Will Herberg's "religion of the American way of life," does it make sense any longer to talk about the separation of church and state?

2. If Sidney Mead is correct in supposing that there has developed alongside of Christianity in America a real religious alternative associated with the ideas of the Founding Fathers, why do we keep confusing this religion of the Enlightenment with orthodox Christianity, and what are some of the sources of potential conflict between them?

3. If there is a kind of public or civil religion in America which exists independently of America's more ecclesiastical or confessionally particularistic faiths, does this public religion serve as a source of judgment for the whole of the American experience, as Robert Bellah says it does, and, in addition, does this civil religion view from a similarly transcendant vantage point the other more traditionally recognized faiths that make up the American religious mosaic?

4. Even when aspects of American civil or public or cultural religion turn into little more than a religion of civility or culture or public performance, is it possible or fair to say that religion is as religion does, that religious professions of belief and perspectives on life can be defined solely in terms of religious practices and behavior?

5. When does the claim that there is an American form of religiousness that is distinct from, if not an alternative to, the more orthodox or traditional forms of religious life and belief become but another attempt to reinvigorate faith in American national ideals?

6. Is the religious idea of America only one more ideology which, like any other, exists to provide individuals with a clarified image of the social world and some clear guidelines for how to participate effectively within it politically, or does it possess elements which not only set it apart from other national ideologies but also explain the force it once possessed in an earlier era and is still felt to possess by numerous members of our own era?

Chapter Six

Church and State in Ideological Perspective

Reading 22: Francis Schaeffer

From *A Christian Manifesto* by Francis A. Schaeffer. © 1981, pp. 17-21, 89-91, 131-137. Used by permission of Good News Publishers/Crossway Books, Westchester, Illinois 60153.

Francis Schaeffer is one of the more outspoken among a number of Americans who believe that the United States is now in the middle of an ideological struggle between orthodox Christianity and secular humanism. The differences between these two world views are for Schaeffer both drastic and total, and the great temptation for Christians no less than for humanists is to soften or blur them. Schaeffer is convinced that the difference between these world views amounts to a difference between the wholly true and the totally false, and he contends that "the bottom line" for Christians is that they cannot obey the state when or if it commands something contrary to God's law. Mr. Schaeffer is unclear as to just how far Christians are to carry this duty as well as right of civil disobedience, but he insists that Christians cannot risk compromising their beliefs for the sake of civil harmony, and implies that recourse to force is permissible and necessary in order to preserve them. Wherever and whenever the state honors a view of reality that is not God's, the state abrogates its authority to govern and must be opposed on what Mr. Schaeffer terms "the appropriate level." Christians live under the rule of Scripture, Schaeffer believes, only so long as they are prepared to resist at whatever cost any rule that is not biblical and divine.

"A Christian Manifesto"

The basic problem of the Christians in this country in the last eighty years or so, in regard to society and in regard to government, is that they have seen things in bits and pieces instead of totals.

They have very gradually become disturbed over permissiveness, pornography, the public schools, the breakdown of the family, and finally abortion. But they have not seen this as a totality—each thing being a part, a symptom, of a much larger problem. They have failed to see that all of this has come about due to a shift in world view—that is, through a fundamental change in the overall way people think and view the world and life as a whole. This shift has been *away from* a world view that was at least vaguely Christian in people's memory (even if they were not individually Christian) *toward* something completely different—toward a world view based upon the idea that the final reality is impersonal matter or energy shaped into its present form by impersonal chance. They have not seen that this world view has taken the place of the one that had previously dominated Northern European culture, including the United States, which was at least Christian in memory, even if the individuals were not individually Christian.

These two world views stand as totals in complete antithesis to each other in content and also in their natural results—including sociological and governmental results, and specifically including law.

It is not that these two world views are different only in how they understand the nature of reality and existence. They also inevitably produce totally different results. The operative word here is *inevitably*. It is not just that they happen to bring forth different results, but it is absolutely *inevitable* that they will bring forth different results.

Why have the Christians been so slow to understand this? There are various reasons but the central one is a defective view of Christianity. This has its roots in the Pietist movement under the leadership of P.J. Spener in the seventeenth century. Pietism began as a healthy protest against formalism and a too abstract Christianity. But it had a deficient, "platonic" spirituality. It was platonic in the sense that Pietism made a sharp division between the "spiritual" and the "material" world—giving little, or no, importance to the "material" world. The totality of human existence was not afforded a proper place. In particular it neglected the intellectual dimension of Christianity.

Christianity and spirituality were shut up to a small, isolated part of life. The totality of reality was ignored by the pietistic thinking. Let me quickly say that in one sense Christians should be pietists in that Christianity is not just a set of doctrines, even the right doctrines. Every doctrine is in some way to have an effect upon our lives. But the poor side of Pietism and its resulting platonic outlook has really been a tragedy not only in many people's lives, but in our total culture.

True spirituality covers all of reality. There are things the Bible tells us as absolutes which are sinful—which do not

conform to the character of God. But aside from these the Lordship of Christ covers *all* of life and *all* of life equally. It is not only that true spirituality covers all of life, but it covers all parts of the spectrum of life equally. In this sense there is nothing concerning reality that is not spiritual.

Related to this, it seems to me, is the fact that many Christians do not mean what I mean when I say Christianity is true, or Truth. They are Christians and they believe in, let us say, the truth of creation, the truth of virgin birth, the truth of Christ's miracles, Christ's substitutionary death, and His coming again. But they stop there with these and other individual truths.

When I say Christianity is true I mean it is true to total reality—that total of what is, beginning with the central reality, the objective existence of the personal-infinite God. Christianity is not just a series of truths but *Truth*—Truth about all of reality. And the holding to that Truth intellectually—and then in some poor way living upon that Truth, the Truth of what is—brings forth not only certain personal results, but also governmental and legal results.

Now let's go over to the other side—to those who hold the materialistic final reality concept. They saw the complete and total difference between the two positions more quickly than Christians. There were the Huxleys, George Bernard Shaw (1856-1950), and many others who understood a long time ago that there are two total concepts of reality and that it was one total reality against the other and not just a set of isolated and separated differences. The *Humanist Manifesto I*,[1] published in 1933, showed with crystal clarity their comprehension of the totality of what is involved. It was to our shame that Julian (1887-1975) and Aldous Huxley (1894-1963), and the others like them, understood much earlier than Christians that these two world views are two total concepts of reality standing in antithesis to each other. We should be utterly ashamed that this is the fact.

They understood not only that there were two totally different concepts but that they would bring forth two totally different conclusions, both for individuals and for society. What we must understand is that the two world views really do bring forth with inevitable certainty not only personal differences, but also total differences in regard to society, government, and law.

There is no way to mix these two total world views. They are separate entities that cannot be synthesized. Yet we must say that liberal theology, the very essence of it from its beginning, is an attempt to mix the two. Liberal theology tried to bring forth a mixture soon after the Enlightenment and has tried to synthesize these two views right up to our own day. But in each case when the chips are down these liberal theologians have always come down, as naturally as a ship coming into home port, on the side of the nonreligious humanist. They do this with certainty because what their liberal theology really is is humanism expressed in theological terms instead of philosophic or other terms.

* * *

The Founding Fathers and those in the thirteen states understood what they were building upon. We have reached a place today which is violently opposed to what the Founding Fathers of this country and those in the thirteen individual states had in mind when they came together and formed the union.

It is time to think to *the bottom line* as our forefathers did. What was *the bottom line* that our forefathers thought to that made it possible for them to act as they did?

First, what is the final relationship to the state on the part of anyone whose base is the existence of God? How would you answer that question?

You must understand that those in our present material-energy, chance oriented generation have *no reason* to obey the state except that the state has the guns and the patronage. That is the only reason they have for obeying the state. A material-energy, chance orientation gives no base, no reason, except force and patronage, as to why citizens should obey the state.

The Christian, the God-fearing person, is not like that. The Bible tells us that God has commanded us to obey the state.

But now a second question follows very quickly. Has God set up an authority in the state that is autonomous from Himself? Are we to obey the state no matter what? Are we? In this one area is indeed Man the measure of all things? And I would answer, not at all, not at all.

When Jesus says in Matthew 22:21: "Give to Caesar what is Caesar's, and to God what is God's," it is not:

GOD and CAESAR

It was, is, and it always be be:

GOD
and
CAESAR

The civil government, as all of life, stands under the Law of God. In this fallen world God has given us certain offices to protect us from the chaos which is the natural result of that fallenness. But when *any office* commands that which is contrary to the Word of God, those who hold that office abrogate their authority and they are not to be obeyed. And that includes the state.

* * *

What does all this mean in practice to us today? I must say, I really am not sure all that it means to us in practice at

this moment. To begin, however, it certainly means this: We have been utterly foolish in our concentration on bits and pieces, and in our complete failure to face the total world view that is rooted in a false view of reality. And we have not understood that this view of reality inevitably brings forth totally different and wrong and inhuman results in all of life. This is nowhere more certain than in law and government—*where law and government are used by this false view of reality as a tool to force this false view and its results on everyone.*

It is time we consciously realize that when *any office* commands what is contrary to God's Law it abrogates its authority. And our loyalty to the God who gave this law then requires that we make the appropriate response in that situation to such a tyrannical usurping of power. . . .

All we have been saying is relevant for the present moment, and especially in such areas as abortion. You will remember, however, that the primary consideration we have been dealing with is the possibility that the window which is now open might close. But the *First Track* is based on the window being open at the moment and our taking advantage of it. *We must not be satisfied with mere words.* With the window open we must try to roll back the results of the total world view which considers material-energy, shaped by chance, as the final reality. We must realize that this view will with inevitable certainty always bring forth results which are not only relativistic, and not only wrong, but which will be inhuman, not only for other people, but for our children and grandchildren, and our spiritual children. It will always bring forth what is inhuman, for with its false view of total reality it not only does not have a basis for the uniqueness and dignity of the individual person, but it is totally ignorant as to what, and who, Man is.

As we think about these things, we must think about one other factor: Those who have the responsibility as Christians, as they live under Scripture, must not only take the necessary legal and political stands, but must practice all the possible Christian alternatives simultaneously with taking stands politically and legally. . . .

As a positive example, the Christian Legal Society has set up a service for mediating disputes. I would say that is a Christian alternative. In a number of places crisis pregnancy centers have been set up. That is a proper alternative. We should be practicing these alternatives in all areas even as we stand legally and politically against our present society's and government's wrong solutions for the ills of humanity. We indeed are to be humanitarians in living contrast to the inhumanity brought forth by materialistic humanism.

Now I must quickly say there are going to be people who say, "don't use the legal and political means, just show the Christian alternatives." That is absolutely utopian in a fallen world, and specifically in a world such as ours at the present moment. But while it is utopian to say, just use the Christian alternatives and do not use the political and legal means, on the other hand, it is also incomplete and wrong only to use the legal and political means without showing forth the Christian alternatives. It is incomplete in conviction and will be incomplete in results; and it is wrong to the reality of the God we say we are obeying.

If we do not practice the alternatives commanded in the Scripture we are not living under the Scripture. And if we do not practice *the bottom line* of civil disobedience on the appropriate level, when the state has abrogated its authority, we are equally not living under the Scripture.

I would conclude by summarizing this Manifesto as follows:

1. The Reformation in Northern Europe not only brought forth a clear preaching of the gospel, but also brought forth distinctive governmental and social results. Among these was a form-freedom balance in government with its series of checks and balances. There was great freedom without the freedom pounding the order of the society to pieces because it was contained in the Christian consensus.

2. In the middle of the last century, groups began to enter the United States in increasing number which did not have the Reformation base. These enjoyed the freedom, though their base would not have produced it.

3. The greatest shift came with the rise of the material-energy, chance view of final reality. This view was completely contrary to that which had produced the form-freedom balance in the United States with its resulting great freedom. This mistaken view of what final reality is leaves no room for meaning, purpose, or values in the universe and it gives no base for law. This view brings forth its natural results in all fields, and these results are the opposite of the natural results of the final reality being the personal God.

The humanistically based view of final reality began to be influential in the United States about eighty years ago. Its control of the consensus has become overwhelmingly dominant in about the last forty years. The shift has affected all parts of society and culture, but most importantly it has come largely to control government and law. These, then, have become the vehicle for forcing this view (with its natural results) on the public. This has been true in many areas—including, especially, the way it has been forced on students in the schools. Media which almost entirely hold the same world view have added to all this.

4. The world view which produced the founding of the United States in the first place is increasingly now not allowed to exert its influence in government, in the schools, or in the public means of information.

The result of the original base in the United States gave the possibility of "liberty and justice for all." And while it was always far from perfect, it did result in liberty. This included liberty to those who hold other views—views which would not give the freedom. The material-energy, chance view has taken advantage of that liberty, supplanted the consensus, and

resulted in an intolerance that gives less and less freedom in courts and schools for the view which originally gave the freedoms. Having no base for law, those who hold the humanist view make binding law whatever they personally think is good for society at the moment. This leads increasingly to arbitrary law and rulings which produce chaos in society and which then naturally and increasingly tend to lead to some form of authoritarianism. At that point what the country had in the first place is lost and dead.

5. What is now needed is to stand against that other total world view. We must see and make clear that it is not the truth of final reality; and we must understand and show that it is producing its own natural results which are opposite to those upon which the United States was founded. It is opposite to the great freedoms produced which everyone now enjoys. What is needed at this time is to take the steps necessary to break the authoritarian hold which the material-energy, chance concept of final reality has on government and law.

6. The result would be freedom for all and especially freedom for all religion. That was the original purpose of the First Amendment.

7. With this freedom Reformation Christianity would compete in the free marketplace of ideas. It would no longer be subject to a hidden censorship as it is now. It can and would give out the clear preaching of God's "good news" for individuals, and simultaneously it is also the view which gives the consistent base for the form-freedom balance in government and society—the base which brought forth this country with its freedoms. It is the responsibility of those holding this view to show it to be unique (the truth of total reality) for individual salvation and for society—by teaching, by life, and by action.

Reading 23: George M. Marsden

From "Quest for a Christian America" by George M. Marsden. Reprinted by permission of *Eternity* Magazine, © 1983, Evangelical Ministries, Inc., 1716 Spruce Street, Philadelphia, PA 19103.

George Marsden, a religious historian, is convinced that there is a middle way between the stark alternatives of a wholly Christianized America and an America that is totally unChristian and secular. This middle way was charted, he believes, by the Founding Fathers themselves when they drafted the First Amendment and there made provision for the protection and free exercise of the Christian religion along with other religions, even as they prohibited the establishment of an overtly Christian or biblical basis for our legal system. If this entailed a major compromise for Christianity, Marsden nonetheless believes that it was consistent with our political traditions.

Against many on the religious right, Professor Marsden, who makes no bones about his own evangelical position, is prepared to say that there are real and important differences of opinion among Christians, just as there are real and important points of agreement between Christians and secular humanists. In the name of Christian humility and a careful reassessment of the biblical view of politics, he appeals for understanding on all sides of all religious divides and for a realization that the kingdom the Bible talks about is not a kingdom of this world but of another.

"Quest for a Christian America"

Suppose we had a great spiritual and moral revival. Suppose that during this decade evangelicalism swept through mainline Protestantism, reoriented much of Catholicism and grew geometrically where already strong. Suppose this revival awakened vast numbers of religious Americans to the dangers of rampant secularism and to the urgency of national moral reform. Suppose evangelicals and their allies then organized and mobilized political majorities able to elect legislators eager to enact Christian policies. Given such a situation—in which evangelicals could have their way politically in America—what should we want to see happen?

We're not lacking for possible answers. "It is time," proclaims Jerry Falwell, "for Americans to come back to the faith of our fathers, to the Bible of our fathers, and to the biblical principles that our fathers used as a premise for this nation's establishment." Tim La Haye concurs. Christians must elect "pro-moral leaders who will return our country to the biblical base upon which it was founded."

Perhaps most influential of those making such statements is the respected evangelical apologist, Francis Schaeffer. While

acknowledging that America should not be a theocracy and must not be confused with the kingdom of God, Schaeffer insists, "None of this, however, changes the fact that the United States was founded upon a Christian consensus, nor that we today should bring Judeo-Christian principles into play in regard to government."

Schaeffer points out that modern America is dominated by materialistic worldviews in which humanity reigns, law is determined sociologically, and morality is therefore relative to time and place. This worldview, now popularly (if simplistically) called "secular humanism," functions virtually as a religion antithetical at many points to Christianity.

Granting the general accuracy of this picture, the question remains: What should be done? Specifically, how should recognition of this cultural crisis be translated into *political* action?

A key to this controversial issue is to notice that calls for political warfare against secular humanism almost invariably involve a *historical* argument. The goal of the "warfare" is to restore America to its "biblical heritage," to "the Judeo-Christian principles that our fathers used," to its "Christian consensus" or "Reformation base."

Almost as invariably, this biblical heritage is linked directly to America's founding documents, the Declaration of Independence and the U.S. Constitution. Francis Schaeffer, for example, insists on this point. The philosophy of the Declaration of Independence, he emphasizes, was built directly on Reformation principles as brought to America through the writings of Samuel Rutherford, 17th century Scottish Presbyterian theorist of the Puritan revolution and author of *Lex Rex*. Schaeffer's close associate, John Whitehead, uses this same argument to show that "our political institutions have their base in Reformation thinking," and urges Christians to prepare for "The Second American Revolution." Many TV evangelists, following this line of thinking more vaguely, are intimating the same thing.

What would be the goal of such a revolution? Here is where historical perceptions are especially important, since the goal is to return America to a lost heritage. To what shall we return? To the political principles of the Reformation? To the ideals embodied in the Declaration of Independence and the Constitution? Often these two proposals are treated as though they are one. In fact they are vastly different.

The most important difference concerns the very point at issue, the relation of the Bible and Christianity to politics. During the Reformation era, Protestants and Catholics alike assumed their nations must be explicitly Christian. The state must support the true church, and banish or penalize other denominations or religions. Militant Protestants, such as the Puritans who settled New England, insisted further that the Bible be the basis for the laws of the land.

While today's Christians who call for a return to America's Reformation heritage disclaim wanting theocracy in the sense of having a state church, they do often seem to favor the Reformation ideal of theocracy in the other sense: that God's Word and law should be the direct basis for the nations's laws. Whitehead emphasizes this. "Law in the true sense is bibliocentric, concerned with justice in terms of the Creator's revelation." This means, says Whitehead, that there is no legitimate natural basis for civil law apart from reference to the Bible.

The Declaration of Independence is different. It rests on an appeal to "self-evident" truths or "laws of nature and nature's God." The reference to God is vague and subordinated to natural laws known to everyone through common sense. The Bible is not mentioned or alluded to. The Constitution of 1787 says even less concerning a deity, let alone Christianity or the Bible. The symbolism of the new government was equally secular. In fact, the United States was the first Western nation to omit Christian symbols, such as the cross, from its flag and other early national emblems.

When we speak of restoring America's heritage, then, it is simply inaccurate to speak of these two different political ideals as though they were virtually the same.

The two visions *are* related, though. Reformation influences were strong in colonial America and many such influences were in the background of the thinking of America's founders. Nevertheless, it is less than half a truth to emphasize these without recognizing that other influences—Roman, Greek, medieval, Anglo-Saxon, and especially 18th century rationalism—were also strong. For example, not even John Witherspoon, a clergyman and founding father, seems to have referred to Rutherford's *Lex Rex* in defending America's revolution; yet everyone knew of the similar concept announced in the infidel Tom Paine's *Common Sense*: "In America *the law is king*." The concepts are generically related, but one appeals to the Bible, the other to a wholly secular source of higher law.

Was the new republic, then, just a secular enterprise? If we were to return to the original principles of America's founding documents, would we have to concede the case to today's secularists? Would we, in order to bring Christianity to bear on national moral life and civil law, actually repudiate the founding documents and declare that the Bible is indeed our ultimate constitution? Would we indeed need a "second revolution"?

The alternatives are not so stark. There is something between the theocratic proposal to make the Bible the direct basis for civil law and the militant secularists' view of eliminating all explicitly Christian influence from public life. The practice of the early republic, though not to be idealized, illustrates such a middle way. The first amendment of the constitution in guaranteeing the free exercise of religion ensured that the federal government would not eliminate Christianity from public life just because it was a religion. Christian influences were strong in 18th and 19th century America, as were some strongly non-Christian influences. A few established state churches remained in New England into the 19th century.

On the other hand, while Christian influences and practices were permitted, the government made no systematic effort to establish overtly Christian or biblical principles in federal law.

From a Christian point of view, this might seem like a major compromise. Nonetheless, for better or worse, compromise is the genius of the American political system. We have a system of checks and balances, a system of compromises. Pluralism, rather than the preference of one religion over all others, is the goal. America may be substantially Christian in its formal religious heritage, but its political system is not built on the idea that America should be Christian in the sense that today Iran is Moslem or Russia is Marxist. Rather, the system is intended to guarantee that Christianity and other religions, including various versions of secularism, *all* should be permitted influence in public discourse. (If, as sometimes has happened of late, Christianity is discriminated against simply because it is religious, Christians should rightfully protest within the rules of the system.)

If we accept this pluralistic compromise, we will have to play by some rules of the civic game on which citizens of all religions can agree. One of these rules might be that, no matter how strongly the Bible or other revelation informs our political views, *for the purpose of civic debate and legislation we will not appeal simply to religious authority.* This is much like the compromise we take for granted as necessary in courts of criminal law. In a murder trial one cannot appeal to a special revelation to provide an exonerating circumstance. In court, as in much of civil activity, we can leave our Bibles closed and yet find means of expressing biblically-informed truths according to rules on which persons of various religions can agree.

Is there, however, any longer a basis for such constructive political discourse between Christians and non-Christians, particularly on crucial moral questions? The situation today, it is sometimes said, differs from that of the early republic. Then there was a "Christian consensus," so Christians and secularists could assume many of the same rules and principles. Today the situation appears totally different. Even the definitions of truth and law differ for the Christian and the radical secularist.

Should we despair, then, of finding a basis for cooperation with secularists in public life? Should we declare with Tim La Haye that "humanists are not qualified to hold public office or to receive taxpayer support for brainwashing their children under the guise of public education." Must we have it out with the secular humanists and finally establish a government based on the Bible alone?

This option, so often posed to Christians today, is a false one. We do not live in a world in which all Christians will line up on one side of each public moral issue and all secularists on the other. Despite our theories, there is room for practical agreement and cooperation between the Christian and the secularist. Christians are not so consistent in regarding God's law, nor non-Christians so consistent in disregarding it, for the antithesis between them to be as sharp as we might think. Christians should not be surprised by this. We are taught, after all, that God's law is written on the hearts of humanity, even if suppressed. We all live in the same world. God has created laws for living that no one can entirely ignore or escape. So we have a practical basis for debating moral-political issues without relying solely on the authority of a special revelation.

Not that Christians will always persuade fellow citizens "who suppress the truth by their wickedness" (Romans 1:18). Nonetheless we have in our common experience with God's created order some basis for discussion. Even on the question of abortion, the most divisive public issue of the day, Christians and non-Christians can agree that the killing of innocent people is wrong. When it comes to nuclear disarmament or gun control, moreover, the sides often will reverse. Secularists will talk of sanctity of human life, while some Christians, especially politically conservative evangelicals, will speak about freedom and choice. These issues will not be easily resolved; but we do have some basis for moral-political discourse without simply bringing the political and legal system "back to the Bible."

The counterpoint is to realize that "back to the Bible" would not be a political cure-all. History illustrates this. Take slavery. What could be more fundamentally a moral issue than enslavement of one race by another? Yet the more directly the debate was based on the Bible alone, the less was a political solution possible short of war. When non-slaveowning Christians claimed the Bible demanded emancipation, slaveholding Christians insisted the Bible condoned slavery.

So on many other issues, such as nuclear arms, treatment of the poor, or regulation of the economy, Christians must recognize that the policy implications of the Bible may not be as obvious as we think. The Bible is not a political handbook. Moreover, even though the Bible does not err, its interpreters do. In church life such disagreements and errors translate into many denominations. In political life, if every party is sure its position is backed by the sure authority of God, the likelihood of violence vastly increases. Northern Ireland, South Africa, and the entire Middle East should warn us against the dangers of basing politics on religious authority.

America's founding fathers wanted to avoid just such possibilities. They knew a lot about "Christian" nations. Most of the European wars of preceding centuries had some "Christian" motivations. The American founders also knew a lot about Protestant Bible commonwealths; these were a major part of their recent British heritage. So, while the founders appropriated secularized versions of some Puritan anti-monarchical ideals, they directly chose not to establish a Bible-based republic.

This does not mean that, if we want to be consistent with the American constitutional heritage, we must abandon the Bible or the Judeo-Christian tradition in reforming the nation.

This tradition is inestimably rich in moral wisdom and it is proper to warn against the ominous trend toward the replacement of this heritage by the barren hedonism of relativistic secular philosophies. Such a struggle will be first of all one of winning hearts and souls to Christian commitment. In addition, biblically-informed commitment should impel Christians to see the urgency of political action as a God-given means of meeting today's issues concerning morality and justice.

Nonetheless, this political side of Christians' action—whether on the political right, left, or middle—should be marked by humility. We should not readily claim the authority of God for a political or economic program by saying that ours is the "Christian" position. Our motives and our reading of the Bible may seem to us the best; we should be reminded that the most common use of the Bible in politics has been to justify one's own self-interests.

Because we are not immune from this human frailty and because we are imperfect in understanding both the Bible and the dynamics of modern politics, we should think at least twice before claiming to speak with the authority of the latest Hebrew prophet. We should have Christian approaches to politics, recognizing that there will be a variety of these, but we should not expect to produce "the Christian political program." On a larger scale, given this self-interest and frailty that dominates human behavior, we should not suppose that whole nations are, have been, or, in this era, will be "Christian" or "biblically-based" in the sense of consistently following God's will.

Finally, this whole question comes down to what the relationship of the Bible is to modern politics. Specifically, which do we emphasize more, the Old Testament or the New? Calvinists in the English Puritan tradition, who have had a disproportionately large influence in America, have usually stressed the Old Testament in assessing the nation. Intimating that America's relationship to God is similar to that of ancient Israel, they have long held up the ideal of "Christian" politics and a "Christian" nation. Accordingly, they have urged that the politics of the nation be explicitly based on the Bible and God's law. The present-day "theonomy" movement, connected with R.J. Rushdoony, is an extreme version of this Calvinist impulse, urging restoration of the detail of Old Testament civil law. Few Calvinists today would go this far, but it is no accident that the most articulate voices urging return of America to a "biblical base" or a "Reformation base" are Calvinists.

If, however, we emphasize the New Testament, all politics is made relative. Christians have civil responsibilities and obligations to promote justice. In modern democracies, where to an extent the people rule, these responsibilities are greater than they were in the Roman Empire. Yet the New Testament nowhere intimates that the kingdom is political or that it can be identified with a nation or nations. All political solutions, whether the revolutionary dreams of the Zealots or the Roman dreams of a golden age of law and order, or the present dreams of restoring America to her lost Christian heritage, lose significance in the light of the revelation of Christ, his kingdom, and the church.

Reading 24: John W. Whitehead

"A Response to George Marsden's 'Quest for a Christian America,'" by John W. Whitehead. Reprinted by permission of *ETERNITY* magazine, © 1983, Evangelical Ministries, Inc., 1716 Spruce Street, Philadelphia, PA 19103.

John W. Whitehead is an attorney who has written frequently on church-state issues. His reply to the article by George Marsden is indicative of the sharp differences among those who are presently calling for a new Christian commitment in America, if not for the creation of a new America that is Christian. Compromise on the issue of truth—what it is, who knows it, how it may be verified—evokes from Mr. Whitehead images of the pre-Nazi German church which he takes to have been largely responsible for the Holocaust. Associating compromise with the advice of Joseph Goebbels, Hitler's minister of propaganda, and its opposite with Martin Luther King, Jr., leader of the civil rights coalition in the 1960's, Mr. Whitehead warns against the dangers of discussion and debate on essential matters and advocates instead the taking of unyielding stands on the issues.

"A Response"

The response on factual matters to George Marsden's comments is adequately addressed in my book *The Second American Revolution* and in Francis Schaeffer's *A Christian Manifesto*----

One important point, however, must be discussed. This is Marsden's doctrine of neutrality and compromise and the consequences of this doctrine. ▸

Dr. Schaeffer in *A Christian Manifesto* writes that theologians of compromise increasingly find themselves siding "with the secular humanists in matters of lifestyle and the rulings of sociological law." Thus, men such as Marsden inevitably find themselves standing with secularists who oppose Christian involvement in the totality of life.

In fact, Marsden's view of history mirrors the contemporary secularist view of history as promulgated by such groups as the American Civil Liberties Union. The proponents of this view seek to eliminate the traditional Judeo-Christian religion from having a meaningful place in society.

Moreover, in his attempts to reconcile secular humanism and Christianity, Marsden gives us a diluted form of religious faith. It is a form of Christianity that will not and cannot stand against the monolith of secularism that is currently stripping religious people of their rights and freedoms.

Marsden's philosophy inevitably leads to the silent church—one that does not speak to the issues. Unfortunately, this was the mentality of the pre-Nazi Germany church.

It is the wish of the world to find a church that will not interfere. In Germany, Joseph Goebbels, one of Adolf Hitler's chief spokesmen, said: "Churchmen dabbling in politics should take note that their only task is to prepare for the world hereafter." As theologian William Barclay instructs: "There is nothing that the world would like so much as a silent church."

Marsden's ambivalence over the question of whether or not abortion "is the killing of innocent people" is troubling. As I show in my book *The Stealing of America* (Crossway, 1983), this type of ambivalence was characteristic of the pre-Nazi Germany church. Thus, the church compromised and failed to stand strong on the human life issue. As a consequence, the German church itself was largely responsible for the genocide of the Jewish people.

If men such as Martin Luther King, Jr. and William Wilberforce had agreed with the doctrine of compromise, then slavery and civil rights for blacks may never have emerged as key human rights issues. These issues did emerge, however, and brought forth freedom for the simple reason that King and Wilberforce did not compromise. To these men, the Bible spoke clearly on the issues, and they made them part and parcel of social action.

Instead of listening to the pied pipers of compromise, I pray that we will listen more to Christians such as Mother Teresa. When she accepted the Nobel Peace Prize in 1979 for her work with the dying, the poor and the children in India, she names abortion as "the greatest destroyer of peace today." Mother Teresa then asked the world, "If a mother can kill her own child, what is left before I kill you and you kill me?"

My prayer for contemporary Christianity is that it will come forth from the catacombs of compromise and neutrality to bring about "The Second American Revolution." It should *not* be a revolution designed to establish a theocracy. It should *not* be designed to kill people or to tear down and physically destroy society. Instead, it should be a revolution in the reformative sense—a revolution in the minds and souls of human beings.

Such a revolution will necessitate taking a stand on the issues. If we are not prepared to take action—but instead continue to stand on the sidelines debating—then we can only expect the worst. And, as history has shown us, the worst is often devastating.

Reading 25: Terry Eastland

From "In Defense of Religious America," by Terry Eastland. Reprinted from *Commentary*, June 1981, by permission; all rights reserved.

Terry Eastland belongs to a currently influential group of Americans, many but not all of whom are neoconservatives, who would defend the importance of keeping America religious without necessarily favoring one religion over another. This argument is usually made on two grounds, one historical and the other essentially legal. It maintains that our traditions—social, political, even economic—have been rooted in religion from the time of their earliest distinctive formulation, and it also points out that our body of laws derive from a moral and spiritual tradition that goes back to the Mosaic Decalogue. While it may be true, as the present selection concedes, that some of these traditions are now in decline, it is nonetheless apparent, Eastland wants to argue, that American institutions and values would collapse if they were not grounded on the kind of convictions that traditional religions have consistently conceived for us.

Mr. Eastland is not entirely explicit about what such convictions necessarily entail, but he is quite adamant about what they do not. Such convictions do not amount to the presuppositions of secular humanism. What they do amount to or involve will be clarified, Eastland seems to imply, only so long as people with strong and conventional religious views continue to remain free to contribute to the public debate about such matters.

"In Defense of Religious America"

"Religion in American life, Mr. Cadwell. We need it." That is the concluding line of a radio commercial which for some, perhaps providential, reason I have had occasion to hear several dozen times over the past year. It is not an advertisement for any particular religion, just religion itself, which presumably could be Christian or Jewish or Muslim or Hindu or—though I think the commercial's sponsors did not quite have this in mind—the Reverend Sun Myung Moon's. It is an innocuous ad, so ecumenical as to be able to effect no conversion to anything. But concerned as it is with religion in American life, the message serves beautifully as a kind of theme song for our times. It implicitly raises the question brought up by the activities of so many others . . . from Jerry Falwell to the American Civil Liberties Union: what should be the place of religion in American life? What, that is, should be the place of religion, not so much in the life of any one individual American as in the American civil society?

* * *

It is only from history, not from cliches about history, that we can understand what we once were as a nation in regard to religion, and what we have since become. Let me therefore start with these propositions: that there was a principal religion in American life from 1620 until roughly 1920; that this religion was Protestant Christianity; and that Protestant Christianity has been our established religion in almost every sense of that phrase.

The one sense in which Protestant Christianity was *not* established, of course, was as our national religion. There never has been a Church of the United States, complete with a bishop and supported by tax revenues, as in England. Nor can there be one: the First Amendment to the Constitution did make sure of that. But nothing *more* than that.

The intention of the framers of the First Amendment was not to effect an absolute neutrality on the part of government toward religion on the one hand and irreligion on the other. The neutrality the framers sought was rather among the sects, the various denominations. Accordingly, as Michael J. Malbin has shown, although there could be no national establishment of a sect, there could be state aid to religious groups so long as the assistance furthered a public purpose and so long as it did not discriminate in favor of some or against others; all sects, in other words, would have to be benefitted.*

**Religion and Politics: The Intentions of the Authors of the First Amendment* (American Enterprise Institute, 1978).

* * *

The establishment of Protestant Christianity was one not only of law but also, and far more importantly, of culture. Protestant Christianity supplied the nation with its "system of values"—to use the modern phrase—and would do so until the 1920's when the cake of Protestant custom seemed most noticeably to begin crumbling. But before coming to that moment we should reflect on the content of the particular religion that held sway in American life for the better part of 300 years, and remark more precisely on the significance of its "cultural" establishment.

As a general metaphysic, Protestant Christianity was understood in ways Catholics and Jews and deists could accept. Not only Protestant Christians but most people agreed that our law was rooted, as John Adams had said, in a common moral and religious tradition, one that stretched back to the time Moses went up on Mount Sinai. Similarly, almost everyone agreed that our liberties were God-given and should be exercised responsibly. There was a distinction between liberty and license.

Beyond this it is possible to be much more specific. Protestant Christianity was Reformed in theology, Puritan in outlook, experiential in faith. It was also evangelical in its orientation toward the world. These propositions held true of not only the denominations of Puritan origin (such as the Congregational, Presbyterian, and Baptist churches) but also those with more highly qualified views on the issue of predestination (such as the Methodist church) and those we might today consider "High Church" (such as the Episcopal church). Almost everyone drank from the same Reformation well, which happened to be the Westminster Confession of 1643. Reformation theology placed emphasis on the sovereignty of God and the depravity of man. It was a religion of the book—the Bible—that demanded the individual conversion of man and, in consequence, the living of a changed life.

This point had enormous social and political consequences. It is unlikely that a predominantly Catholic or Jewish America would have given birth to the type of society that eventually evolved by the late 18th century. The reason is that neither would have emphasized to the degree the American Puritans did the importance of personal development in the moral (and for them spiritual) sense of character formation. The Westminster Confession described the preaching of the word as "an effectual means of driving them [sinners] out of themselves" and "of strengthening them against temptation and corruption, and of building them up in grace."

* * *

The American Protestant characteristically was driven out of himself, not only into Christ but also into the world. Hence the description–'this-worldly ascetic'–so often applied to individuals in Reformed communities. The change in the history of Christianity that this phrase suggests is seismic. After Luther it was no longer necessary to withdraw from the world (and into a monastery) to serve God. A man could serve God in the secular world. ('What is the chief and highest end of man?' asks the first question of the Larger Catechism of the Westminster Confession. 'Man's chief and highest end is to glorify God and fully to enjoy Him forever.') Every job had a purpose, every man a calling, a vocation, no matter how lowly or how exalted. Working in *this* world, furthermore, men could transform the society about them, as the New England Puritans tried to do in their Bible Commonwealths. Though these societies failed according to their own ideals, the impulse to change society remained and would manifest itself in numerous ways, including the voluntarism of the 19th century, which became such a mainstay of American life.

American Protestantism not only taught spiritual virtues but also the less heroic ones of sobriety, honesty, prudence, temperance, and diligence. In the context of these virtues, as Irving Kristol has often pointed out, capitalism made ethical sense. Protestantism was understood to tame and direct a man's interests, including his economic ones, toward worthy ends. Man was understood to be a steward upon earth, and he was to use his liberty and his talents responsibly (and diligently; there was to be no idleness, no sloth). There may be no more interesting text on this than Question 141 of the Larger Catechism of the Westminster Confession, which even as late as 1844 was described by Philip Schaff, a German writing on America's religious life, as 'the reigning theology of the country.' The question refers to the Eighth Commandment ('Thou shalt not steal') and asks what duties it requires:

> The duties required . . . are: truth, faithfulness, and justice in contracts and commerce between man and man; rendering to everyone his due; restitution of goods unlawfully detained from the right owners thereof, giving and lending freely, according to our abilities, and the necessities of others; moderation of our judgments, wills, and affections, concerning worldly goods; a provident care and study to get, keep, use, and dispose of those things which are necessary and convenient for the sustenation of our nature, and suitable to our condition; a lawful calling, and diligence in it; frugality; avoiding unnecessary lawsuits, and suretyship, or other like arrangements; and an endeavor by all just and lawful means to procure, preserve, and further the wealth and outward estate of others, as well as our own.

This answer offers much to reflect on; there is, for instance, the implicit approval of both commerce and the creation of wealth, even of one's own wealth. But the principal concern is man's duty, which is to have moderating effects upon his commercial activities. Tocqueville observed that the law allowed the American people to do everything, but that there are things which their religion prevented them from imagining and forbade them to dare. Religion–the Protestant religion here described–was thus a major source of the virtues a nation conceived in liberty always would need. It shaped the society and the individuals within it. Protestant Christianity helped answer the oldest of political questions: what kind of people, having what kind of character, does a society produce?

Tocqueville therefore was right to say that religion was America's 'foremost political institution.' It was the branch of government that the Constitution, based on self-interest and envisioning a commercial Republic, obviously could not create. Yet it was the branch essential to the maintenance of the Republic. It provided a check on the liberty guaranteed by our conventional political institutions. It was responsible for the character of the people. And as this 'informal' branch of government, as our 'foremost political institution,' Protestant Christianity enjoyed its most significant form of 'establishment.'

* * *

If we are today a secular society, we are still also a liberal society. And in the current groping toward what inevitably will be our public philosophy, the religious person is entitled, if not to prevail, at least to be heard. The religious person can expect to be allowed a voice in matters of public policy. He can expect that his religion will not disqualify him from speaking on political matters, and that if he offers a religious or ethical justification for his position on a public issue, it will not *ipso facto* be considered out of the bounds of public discourse. The question here is ultimately one of where you get your basic beliefs. If, as Michael Novak has written, we should be willing to let people get their politics as much from the Bible as from Gloria Steinem, the biblical or religious values should be permissable in public debate. Unless the free exercise of religion, vouchsafed in the First Amendment, is to mean only trivial whispers, something practiced in the closet, then it must mean a voice equal to that of anyone who is not religious.

The trends go against even this minimal kind of free exercise of religion. It has been argued by serious public philosophers that only a rational, utilitarian morality should ever be enforced by law, and that this morality by definition would exclude any influenced by or grounded in religious considerations. Today this argument, spoken by non-philosophers, is used against the Moral Majority and their kind. You cannot legislate morality, it is said, meaning you cannot legislate a particular kind of morality–the kind having to do with religion as traditionally conceived.

History is not irreversible, but the trends for the past hundred years suggest that traditional religion will have an increasingly marginal influence on our public life. America is still one of the most religious countries in the world, and yet church affiliation (40 percent of Americans profess one) continues to decline, as Seymour Martin Lipset and Earl Raab noted recently in these pages ('The Election & the Evangelicals,' March). These are just the circumstances to expect in a country to which the Enlightenment came late. The much-touted religious renaissance of recent years does not promise to change this state of affairs, at least not soon. Lacking is what has been lacking in much of American religious life for the past hundred years—solid theological content—and on this score the seminaries that have brought us the 'death of God,' 'liberation theology,' and other similar inspirations cannot inspire hope. As for the turning of a few scientists toward God, this is hardly a full-blown theological revolution. To postulate, as Sir John Eccles has done, that the brain is the product of evolution but that only God could have created the mind may prove an invaluable service to religion. But we are still a long way from any *Summa*, and a longer way from a great cultural movement.

One need not hold a brief for Jerry Falwell, nor for his cousin evangelists who appear on the television screen in the shank of the evening, to acknowledge what they have done, which at the least has been to flush the anti-religious bias out into the open. The early reaction to Falwell was dominated by comments from civil libertarians who implied, ironically enough, that Falwell had no right to speak out on public issues. Such was not the reaction when the Reverend Martin Luther King wrote his letter from a Birmingham jail, but the hypocrisy is less interesting, I think, than the secular bias that produced it.

If, someday, people with traditional religious views should be effectively banned from public debate, not only will the free exercise of religion have been denied but a new religion will have been culturally established as our 'foremost political institution.' It would no doubt look very much like what the Supreme Court alluded to in its *Torcaso* ruling—the religion of 'secular humanism.' God save us from that.

Reading 26: A Secular Humanist Declaration (1980-81)

From *Free Inquiry*, Vol. I, No. 1, (Winter, 1980-81). Reproduced by permission of *Free Inquiry*.

Though drafted by the philosopher Paul Kurtz, this document has been signed by a number of humanists in the United States and abroad. It represents the third of three attempts by members of the American Humanist Association to formulate the set of principles on which most secular humanists can agree. 'A Secular Humanist Declaration' has been signed by scores of educators, writers, scientists, and other individuals in the United States and abroad, from Isaac Asimov and Sidney Hook to B. F. Skinner.

The principles to which the various signers give at least general assent center on the ideal of freedom and the use of critical intelligence to enhance the scope of individual fulfillment within the constraints of democratic, pluralistic society. But they also include the renunciation of violence as a political method for solving disputes, the advocacy of human rights, the separation of the civil from the religious, and the affirmation of modern technology. According to Kurtz, secular humanists can without contradiction oppose all forms of supernaturalism and at the same time encourage the free exchange of religious opinions.Secular humanists, at least so far as this statement is concerned, share with many on the political and religious Right as well as the Left the view that we have now entered a time of extreme world crisis, and that the outcome, in considerable part, hangs on which view of life Americans come to embrace and enact.

"A Secular Humanist Declaration"

Secular humanism is a vital force in the contemporary world. It is now under unwarranted and intemperate attack from various quarters. This declaration defends only that form of secular humanism which is explicitly committed to democracy. It is opposed to all varieties of belief that seek supernatural sanction for their values or espouse rule by dictatorship.

Democratic secular humanism has been a powerful force in world culture. Its ideals can be traced to the philosophers, scientists, and poets of classical Greece and Rome, to ancient Chinese Confucian society, to the Carvaka movement of India, and to other distinguished intellectual and moral traditions. Secularism and humanism were eclipsed in Europe during the Dark Ages, when religious piety eroded humankind's confidence in its own powers to solve human problems. They

reappeared in force during the Renaissance with the reassertion of secular and humanist values in literature and the arts, again in the sixteenth and seventeenth centuries with the development of modern science and a naturalistic view of the universe, and their influence can be found in the eighteenth century in the Age of Reason and the Enlightenment. Democratic secular humanism has creatively flowered in modern times with the growth of freedom and democracy.

Countless millions of thoughtful persons have espoused secular humanist ideals, have lived significant lives, and have contributed to the building of a more humane and democratic world. The modern secular humanist outlook has led to the application of science and technology to the improvement of the human condition. This has had a positive effect on reducing poverty, suffering, and disease in various parts of the world, in extending longevity, on improving transportation and communication, and in making the good life possible for more and more people. It has led to the emancipation of hundreds of millions of people from the exercise of blind faith and fears of superstition and has contributed to their education and the enrichment of their lives. Secular humanism has provided an impetus for humans to solve their problems with intelligence and perseverance, to conquer geographic and social frontiers, and to extend the range of human exploration and adventure.

Regrettably, we are today faced with a variety of anti-secularist trends: the reappearance of dogmatic authoritarian religions; fundamentalist, literalist, and doctrinaire Christianity; a rapidly growing and uncompromising Moslem clericalism in the Middle East and Asia; the reassertion of orthodox authority by the Roman Catholic papal hierarchy; nationlistic religious Judaism; and the reversion to obscurantist religions in Asia. New cults of unreason as well as bizarre paranormal and occult beliefs, such as belief in astrology, reincarnation, and the mysterious power of alleged psychics, are growing in many Western societies. These disturbing developments follow in the wake of the emergence in the earlier part of the twentieth century of intolerant messianic and totalitarian quasi-religious movements, such as fascism and communism. These religious activists not only are responsible for much of the terror and violence in the world today but stand in the way of solutions to the world's most serious problems.

Paradoxically, some of the critics of secular humanism maintain that it is a dangerous philosophy. Some assert that it is 'morally corrupting' because it is committed to individual freedom, others that it condones 'injustice' because it defends democratic due process. We who support democratic secular humanism deny such charges, which are based upon misunderstanding and misinterpretation, and we seek to outline a set of principles that most of us share. Secular humanism is not a dogma or a creed. There are wide differences of opinion among secular humanists on many issues. Nevertheless, there is a loose consensus with respect to several propositions. We are apprehensive that modern civilization is threatened by forces antithetical to reason, democracy, and freedom. Many religious believers will no doubt share with us a belief in many secular humanist and democratic values, and we welcome their joining with us in the defense of these ideals.

1. *Free Inquiry.* The first principle of democratic secular humanism is its commitment to free inquiry. We oppose any tyranny over the mind of man, any efforts by ecclesiastical, political, ideological, or social institutions to shackle free thought. In the past, such tyrannies have been directed by churches and states attempting to enforce the edicts of religious bigots. In the long struggle in the history of ideas, established institutions, both public and private, have attempted to censor inquiry, to impose orthodoxy on beliefs and values, and to excommunicate heretics and extirpate unbelievers. Today, the struggle for free inquiry has assumed new forms. Sectarian ideologies have become the new theologies that use political parties and governments in their mission to crush dissident opinion.

Free inquiry entails recognition of civil liberties as integral to its pursuit, that is, a free press, freedom of communication, the right to organize opposition parties and to join voluntary associations, and freedom to cultivate and publish the fruits of scientific, philosophical, artistic, literary, moral and religious freedom. Free inquiry requires that we tolerate diversity of opinion and that we respect the right of individuals to express their beliefs, however unpopular they may be, without social or legal prohibition or fear of sanctions. Though we may tolerate contrasting points of view, this does not mean that they are immune to critical scrutiny. The guiding premise of those who believe in free inquiry is that truth is more likely to be discovered if the opportunity exists for the free exchange of opposing opinions; the process of interchange is frequently as important as the result. This applies not only to science and to everyday life, but to politics, economics, morality, and religion.

2. *Separation of Church and State.* Because of their commitment to freedom, secular humanists believe in the principle of the separation of church and state. The lessons of history are clear: wherever one religion or ideology is established and given a dominant position in the state, minority opinions are in jeopardy. A pluralistic, open democratic society allows all points of view to be heard. Any effort to impose an exclusive conception of Truth, Piety, Virtue, or Justice upon the whole of society is a violation of free inquiry. Clerical authorities should not be permitted to legislate their own parochial views – whether moral, philosophical, political, educational, or social – for the rest of society.

Nor should tax revenues be exacted for the benefit or support of sectarian religious institutions. Individuals and voluntary associations should be free to accept or not to accept any belief and to support these convictions with whatever

resources they may have, without being compelled by taxation to contribute to those religious faiths with which they do not agree. Similarly, church properties should share in the burden of public revenues and should not be exempt from taxation. Compulsory religious oaths and prayers in public institutions (political or educational) are also a violation of the separation principle.

Today, nontheistic as well as theistic religions compete for attention. Regrettably, in communist countries, the power of the state is being used to impose an ideological doctrine on the society, without tolerating the expression of dissenting or heretical views. Here we see a modern secular version of the violation of the separation principle.

3. *The Ideal of Freedom.* There are many forms of totalitarianism in the modern world—secular and nonsecular—all of which we vigorously oppose. As democratic secularists, we consistently defend the ideal of freedom, not only freedom of conscience and belief from those ecclesiastical, political, and economic interests that seek to repress them, but genuine political liberty, democratic decision-making based upon majority rule, and respect for minority rights and the rule of law. We stand not only for freedom from religious control but for freedom from jingoistic government control as well. We are for the defense of basic human rights, including the right to protect life, liberty, and the pursuit of happiness. In our view, a free society should also encourage some measure of economic freedom, subject only to such restrictions as are necessary in the public interest. This means that individuals and groups should be able to compete in the marketplace, organize free trade unions, and carry on their occupations and careers without undue interference by centralized political control. The right to private property is a human right without which other rights are nugatory. Where it is necessary to limit any of these rights in a democracy, the limitation should be justified in terms of its consequences in strengthening the entire structure of human rights.

4. *Ethics Based on Critical Intelligence.* The moral views of secular humanism have been subjected to criticism by religious fundamentalist theists. The secular humanist recognizes the central role of morality in human life. Indeed, ethics was developed as a branch of human knowledge long before religionists proclaimed their moral systems based upon divine authority. The field of ethics has had a distinguished list of thinkers contributing to its development: from Socrates, Democritus, Aristotle, Epicurus, and Epictetus, to Spinoza, Erasmus, Hume, Voltaire, Kant, Bentham, Mill, G.E. Moore, Bertrand Russell, John Dewey, and others. There is an influential philosophical tradition that maintains that ethics is an autonomous field of inquiry, that ethical judgments can be formulated independently of revealed religion, and that human beings can cultivate practical reason and wisdom and, by its application, achieve lives of virtue and excellence. Moreover, philosophers have emphasized the need to cultivate an appreciation for the requirements of social justice and for an individual's obligations and responsibilities toward others. Thus secularists deny that morality needs to be deduced from religious belief or that those who do not espouse a religious doctrine are immoral.

For secular humanists, ethical conduct is, or should be judged by critical reason, and their goal is to develop autonomous and responsible individuals, capable of making their own choices in life based upon an understanding of human behavior. Morality that is not God-based need not be antisocial, subjective, or promiscuous, nor need it lead to the breakdown of moral standards. Although we believe in tolerating diverse lifestyles and social manners, we do not think they are immune to criticism. Nor do we believe that any one church should impose its views of moral virtue and sin, sexual conduct, marriage, divorce, birth control, or abortion, or legislate them for the rest of society.

As secular humanists we believe in the central importance of the value of human happiness here and now. We are opposed to Absolutist morality, yet we maintain that objective standards emerge, and ethical values and principles may be discovered, in the course of ethical deliberation.

Secular humanist ethics maintains that it is possible for human beings to lead meaningful and wholesome lives for themselves and in service to their fellow human beings without the need of religious commandments or the benefit of clergy. There have been any number of distinguished secularists and humanists who have demonstrated moral principles in their personal lives and works: Protagoras, Lucretius, Epicurus, Spinoza, Hume, Thomas Paine, Diderot, Mark Twain, George Eliot, John Stuart Mill, Ernest Renan, Charles Darwin, Thomas Edison, Clarence Darrow, Robert Ingersoll, Gilbert Murray, Albert Schweitzer, Albert Einstein, Max Born, Margaret Sanger, and Bertrand Russell, among others.

5. *Moral Education.* We believe that moral development should be cultivated in children and young adults. We do not believe that any particular sect can claim important values as their exclusive property; hence it is the duty of public education to deal with these values. Accordingly, we support moral education in the schools that is designed to develop an appreciation for moral virtues, intelligence, and the building of character. We wish to encourage wherever possible the growth of moral awareness and the capacity for free choice and an understanding of the consequences thereof. We do not think it is moral to baptize infants, to confirm adolescents, or to impose a religious creed on young people before they are able to consent. Although children should learn about the history of religious moral practices, these young minds should not be indoctrinated in a faith before they are mature enough to evaluate the merits for themselves. It should be noted that secular humanism is not so much a specific morality as it is a method for the explanation and discovery of rational moral principles.

6. *Religious Skepticism.* As secular humanists, we are generally skeptical about supernatural claims. We recognize the importance of religious experience: that experience that redirects and gives meaning to the lives of human beings. We deny, however, that such experiences have anything to do with the supernatural. We are doubtful of traditional views of God and divinity. Symbolic and mythological interpretations of religion often serve as rationalizations for a sophisticated minority, leaving the bulk of mankind to flounder in theological confusion. We consider the universe to be a dynamic scene of natural forces that are most effectively understood by scientific inquiry. We are always open to the discovery of new possibilities and phenomena in nature. However, we find that traditional views of the existence of God either are meaningless, have not yet been demonstrated to be true, or are tyrannically exploitative. Secular humanists may be agnostics, atheists, rationalists, or skeptics, but they find insufficient evidence for the claim that some divine purpose exists for the universe. They reject the idea that God has intervened miraculously in history or revealed himself to a chosen few, or that he can save or redeem sinners. They believe that men and women are free and are responsible for their own destinies and that they cannot look toward some transcendent Being for salvation. We reject the divinity of Jesus, the divine mission of Moses, Mohammed, and other latter-day prophets and saints of the various sects and denominations. We do not accept as true the literal interpretation of the Old and New Testaments, the Koran, or other allegedly sacred religious documents, however important they may be as literature. Religions are pervasive sociological phenomena, and religious myths have long persisted in human history. In spite of the fact that human beings have found religions to be uplifting and a source of solace, we do not find their theological claims to be true. Religions have made negative as well as positive contributions toward the development of human civilization. Although they have helped to build hospitals and schools and, at their best, have encouraged the spirit of love and charity, many have also caused human suffering by being intolerant of those who did not accept their dogmas or creeds. Some religions have been fanatical and repressive, narrowing human hopes, limiting aspirations, and precipitating religious wars and violence. While religions have no doubt offered comfort to the bereaved and dying by holding forth the promise of an immortal life, they have also aroused morbid fear and dread. We have found no convincing evidence that there is a separable 'soul' or that it exists before birth or survives death. We must therefore conclude that the ethical life can be lived without the illusions of immortality or reincarnation. Human beings *can* develop the self-confidence necessary to ameliorate the human condition and to lead meaningful, productive lives.

7. *Reason.* We view with concern the current attack by non-secularists on reason and science. We are committed to the use of the rational methods of inquiry, logic, and evidence in developing knowledge and testing claims to truth. Since human beings are prone to err, we are open to the modification of all principles, including those governing inquiry, believing that they may be in need of constant correction. Although not so naive as to believe that reason and science can easily solve all human problems, we nonetheless contend that they can make a major contribution to human knowledge and can be of benefit to humankind. We know of no better substitute for the cultivation of human intelligence.

8. *Science and Technology.* We believe the scientific method, though imperfect, is still the most reliable way of understanding the world. Hence, we look to the natural, biological, social, and behavioral sciences for knowledge of the universe and man's place within it. Modern astronomy and physics have opened up exciting new dimensions of the universe: they have enabled humankind to explore the universe by means of space travel. Biology and the social and behavioral sciences have expanded our understanding of human behavior. We are thus opposed in principle to any efforts to censor or limit scientific research without an overriding reason to do so.

While we are aware of, and oppose, the abuses of misapplied technology and its possible harmful consequences for the natural ecology of the human environment, we urge resistance to unthinking efforts to limit technological or scientific advances. We appreciate the great benefits that science and technology (especially basic and applied research) can bring to humankind, but we also recognize the need to balance scientific and technological advances with cultural explorations in art, music, and literature.

9. *Evolution.* Today the theory of evolution is again under heavy attack by religious fundamentalists. Although the theory of evolution cannot be said to have reached its final formulation, or to be an infallible principle of science, it is nonetheless supported impressively by the findings of many sciences. There may be some significant differences among scientists concerning the mechanics of evolution; yet the evolution of the species is supported so strongly by the weight of evidence that it is difficult to reject it. Accordingly, we deplore the efforts by fundamentalists (especially in the United States) to invade the science classrooms, requiring that creationist theory be taught to students and requiring that it be included in biology textbooks. This is a serious threat both to academic freedom and to the integrity of the educational process. We believe that creationists surely should have the freedom to express their viewpoint in society. Moreover, we do not deny the value of examining theories of creation in educational courses on religion and the history of ideas; but it is a sham to mask an article of religious faith as a scientific truth and to inflict that doctrine on the scientific curriculum. If successful, creationists may seriously undermine the credibility of science itself.

10. *Education.* In our view, education should be the essential method of building humane, free, and democratic societies. The aims of education are many: the transmission of knowledge; training for occupations, careers, and democratic citizenship; and the encouragement of moral growth. Among its vital purposes should also be an attempt to develop the capacity for critical intelligence in both the individual and the community. Unfortunately, the schools are today being increasingly replaced by the mass media as the primary institutions of public information and education. Although the electronic media provide unparalleled opportunities for extending cultural enrichment and enjoyment, and powerful learning opportunities, there has been a serious misdirection of their purposes. In totalitarian societies, the media serve as the vehicle of propaganda and indoctrination. In democratic societies television, radio, films, and mass publishing too often cater to the lowest common denominator and have become banal wastelands. There is a pressing need to elevate standards of taste and appreciation. Of special concern to secularists is the fact that the media (particularly in the United States) are inordinately dominated by a pro-religious bias. The views of preachers, faith healers, and religious hucksters go largely unchallenged, and the secular outlook is not given an opportunity for a fair hearing. We believe that television directors and producers have an obligation to redress the balance and revise their programming.

Indeed, there is a broader task that all those who believe in democratic secular humanist values will recognize, namely, the need to embark upon a long-term program of public education and enlightenment concerning the relevance of the secular outlook to the human condition.

Democratic secular humanism is too important for human civilization to abandon. Reasonable persons will surely recognize its profound contributions to human welfare. We are nevertheless surrounded by doomsday prophets of disaster, always wishing to turn the clock back—they are anti-science, anti-freedom, anti-human. In contrast, the secular humanistic outlook is basically melioristic, looking forward with hope rather than backward with despair. We are committed to extending the ideals of reason, freedom, individual and collective opportunity, and democracy throughout the world community. The problems that humankind will face in the future, as in the past, will no doubt be complex and difficult. However, if it is to prevail, it can only do so by enlisting resourcefulness and courage. Secular humanism places trust in human intelligence rather than in divine guidance. Skeptical of theories of redemption, damnation, and reincarnation, secular humanists attempt to approach the human situation in realistic terms: human beings are responsible for their own destinies.

We believe that it is possible to bring about a more humane world, one based upon the methods of reason and the principles of tolerance, compromise, and the negotiations of difference. We recognize the need for intellectual modesty and the willingness to revise beliefs in the light of criticism. Thus consensus is sometimes attainable. While emotions are important, we need not resort to the panaceas of salvation, to escape through illusion, or to some desperate leap toward passion and violence. We deplore the growth of intolerant sectarian creeds that foster hatred. In a world engulfed by obscurantism and irrationalism it is vital that the ideals of the secular city not be lost.

Conclusion

Reading 27: Martin E. Marty

'Dear Republicans: A Letter on Humanisms' by Martin E. Marty. © 1983, Christian Century Foundation. Reprinted by permission from the January 7–14 issue of *The Christian Century*.

Martin E. Marty, a major religious historian and leading spokesman of what is sometimes called 'mainline Christianity,' sets out here to clarify the confusion surrounding the word 'humanism' by discriminating among humanisms.He manages to isolate at least four, and points out not only how different they are from one another but also how compatible, even continuous, several kinds of humanism are with Christian faith. Not the least of the virtues of this exercise in discrimination is that it shows how much is at stake for those who profess an active and informed commitment to the Christian tradition in the clarification of the meaning of humanism and the humanities. This anatomy of humanisms also separates those which make religious claims from those which do not, and illumines the relation between those which are integral to religious understanding from those which dispute it.

This letter was provoked by the new policies toward the humanities developed by the administration of President Ronald Reagan and its Republican allies. Professor Marty's defense of the humanities and his clarification of the confusion surrounding the word 'humanism' is intended to show Republicans and Democrats alike not only that it is possible to be both a Christian and a

humanist at the same time but also that the character of the discussion as well as the understanding of this issue has important implications for something in which Republicans no less than Democrats have a very large interest: the quality and substance of civil conversation in American society.

'Dear Republicans: A Letter on Humanisms'

DEAR REPUBLICANS:

Suppose I called you 'birds.' And suppose I justified my name-calling by pointing to a definition in the authoritative *Oxford English Dictionary*. There I could show you that 'Republican' means 'living, nesting or breeding, in large flocks of communities, esp. the N. American *republican swallow*.' You would say that I was being selective and confusing because I chose a marginal definition and overlooked the proper one: 'In *U.S. politics* --- the distinguishing epithet of a special party.' If you look long enough, you would say, you can find almost anything in a big-enough dictionary.

Suppose you called me a 'believer in the mere humanity of Christ' and accused me of holding to a 'system of thought or action which is concerned with merely human interests (as distinguished from divine), [and a believer in] the 'Religion of Humanity." And suppose you made your name-calling case on the basis of the same big dictionary. It does define 'humanists' in the terms you would be using – but most humanists come no closer to fitting those definitions than you do to matching up with the flocking swallows in the 'Republican' part of the dictionary. We can point to more fitting and honest definitions of humanists and humanism than those that are being used these days.

What is humanism? Try this: 'the character or quality of being human; devotion to human interests.' As a Christian, I hope all my co-believers are advocates of such humanism. The dictionary also says that a humanist is 'a student of human affairs, or of human nature'–something the Bible shows Jesus to be and something Christian faith calls us all to be. Third, humanism is 'devotion to those studies which promote human culture,' and humanities are 'learning or literature concerned with human culture.' The definition goes on to say that these studies include 'various branches of polite scholarship.'

If you will check in at your friendly neighborhood Catholic or conservative evangelical Protestant college, you will find faculties there passionately devoted to being humanists in this sense. They know that humanities once included 'grammar, rhetoric, poetry, and . . . classics.' Today they might add wording which the U. S. Congress used in setting up a National Endowment for the Humanities, according to which humanities include 'language, linguistics, literature, history, jurisprudence, philosophy, archaeology, ethics,' alongside 'comparative religion' and 'the history, criticism, and theory of the arts.'

I

Why do I spend so much time opening the dictionary in your company? For one thing, we have to learn to get along with each other in the years ahead. The attitudes you and your elected officials have toward the humanities will be important for elementary, secondary and higher education. Will there be museums, libraries, forums, endowments, encouragements? Will we have a chance to see the American spirit develop in its full scope? I see you as being precise people who care about language, and you are hearing it misused and debased today in the case of 'humanism.' Unless we are clear about terms and goals, there is danger ahead.

From some angles, the humanities have never had it so good. While they have a thousand-year history in Western universities, and while Christian humanism helped with the Reformation in both its Protestant and Catholic styles, in America we have been using the word for only a half-century to describe a way of organizing knowledge in colleges. In recent years the public has begun to see the humanities disciplines as a cluster, partly because they have become more visible through such bodies as the 15-year-old National Endowment for the Humanities, the ten-year-old State Humanities Programs and the five-year-old National Humanities Center. During the Nixon era NEH appropriations went up more than at any other time. The NHC in North Carolina houses Republicans among its humanists – and Christians, too, be they Republican or not. There is a free-enterprising American Association for the Advancement of the Humanities. And a Rockefeller-funded panel of 32 Americans, a Commission on the Humanities, has just reported on *The Humanities in American Life* (University of California Press).

The first page of the commission report does not try to define the humanities but points to the zone where you find them. Does this sound godless or subversive?

> . . . The humanities mirror our own image and our image of the world. Through the humanities we reflect on the fundamental question: what does it mean to be human? The humanities offer clues but never a complete answer. They reveal how people have tried to make moral, spiritual, and intellectual sense of a world in which irrationality, despair, loneliness, and death are as conspicuous as birth, friendship, hope and reason. We learn how individuals or societies define the moral life and try to attain it, attempt to reconcile freedom and the responsibilities of citizenship, and express them-

selves artistically. The humanities do not necessarily mean humaneness, nor do they always inspire the individual with what Cicero called 'incentives to noble action.' But by awakening a sense of what it might be like to be someone else or to live in another time or culture, they tell us about ourselves, stretch our imagination, and enrich our experience. They increase our distinctively human potential.

II

Selling a product called 'the humanities' is not easy. Funds are channeled first to whatever travels faster or explodes louder. And if humanists claim to help enhance the life we already have, they do not always deliver, as they have to be the first to admit. But many of us believe that in these necessarily hard times in higher education and culture, it is wrong for liberals in knee-jerk fashion to expect you Republicans to be ruthless toward the humanities. In fact, it ought to be the other way around. Why assume that Republicans, unless they are misled and confused, would be hard on the humanities and humanism?

You as Republicans call yourselves conservative, and who more than *historians* care for what is worth conserving? Without them, we lose the sense of the past on which people of tradition draw.

You have risen to new power because citizens want to pay more attention to values, and if you respond to their wishes you have to be *philosophers* of sorts, and thus in touch with the humanities.

Religious discontents run deep in our society; to understand them, more citizens must draw on what is turned up by people in religious studies, including *theologians*. These scholars may believe passionately in God, but in this sense, they are humanists, too.

* * *

III

Let me thank the religious New Right and the Mooney-type attackers for forcing us humanists all to make ourselves clear. Between them I'd like to offer a kind of spectrum of humanisms in an effort at clarification and understanding, hoping it will serve until more gifted and tested counterattackers come along.

1. *Secularistic Humanism*. The American Association for the Advancement of Atheism is so small it could hold its conventions in a phone booth. Its kin and kind, few as they are, have no power at all. They are sure that no sacred order, no God, impinges on the human world. Secularistic humanists may not meet the evangelists in the mansions above—both companies would be surprised at such a reunion—but both of them can exemplify some civic virtues. Christian theology has allowed for such and so has American life, in the spirit of Thomas Jefferson: 'The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbor to say there are 20 gods, or no God.' If you want to find out how few care to be in the 'no God' camp, look for an articulate atheistic humanist for a panel discussion. The pickings are more than slim.

2. *Secular Humanism*. Take the 'istic' off and you have a less creedal but much larger camp, and this one we will take seriously. It exists. Many secular humanists simply ignore religion, including that of their own childhood, against which they may still be rebelling. Secular humanism of an agnostic sort can establish itself as a kind of quasi-religion, a competitor to historic faiths, and may claim privilege in America. But it is important to see just what secular humanists are about and how they go about it.

Not all people who bracket the question of God or the sacred as they teach history, philosophy or literature, or when they speak through various media to the culture, are militants, nor do they despise or ignore religious faith. Many of them are people of faith in their private lives who, when they come together on the basis of tax support or commercial interest, find pluralism and diversity muting their contradictory creeds. Their form of secular humanism is tentative, and remains short on rites and symbols, myths and stories—though it may smuggle in more of these than many recognize. Some of my best friends are Republican secular humanists, and you will be hearing more from them if attacks on humanism keep growing.

3. *Religious Humanism*. This is an organized but minute flip side of secularistic humanism. Some of its advocates surface every generation long enough to issue a Humanist Manifesto which no one notices but religious rightists. The editors of *Religious Humanism* are here, along with the left or humanistic wing of the just-as-often-theistic Unitarian Universalist Assocation, Ethical Culture, the Free Religious Association and the like. They do devise rites to propagate religion-without-God. They have their rights; nothing in American life circumscribes them. Theirs is not the first godless religion; think of much of Buddhism. While there are not many to know, I know some of them. Few are libertines. As for pornography, they do not even own a pornograph. Most of them are family people, safe and secure and staunch citizens, who want personal morals and public virtue but cannot 'make it' with faith in God. The last I heard from Christians, that faith was a gift. Religious humanists do Christians the favor of posing tough questions, and that is a more useful service than others perform when they ignore the astonishing claims of faith.

4. *Humanities Humanists*. This is the biggest camp, and it includes representatives of all the others. Even those who do not have religious faith do it a service. The churches do not

pay for their history. Almost all of it comes from humanities wings of universities. Churches have a great stake in language and phil[illegible]ophy, and they get their prodding and their clarity from humanistic 'love of wisdom.' Fundamentalism itself has a view of Scripture derived from Aristotle, Bacon, the Scottish Enlightenment, Princeton University and modern language philosophy. Churches are in the business of dealing with texts and traces which is the specialty of humanities humanists. Most of the greats in Christian history have acknowledged the gifts of humane culture. Attacks on humanism as such cripple this set of people, be they neutral, critical or affirmative in respect to faith. I hope evangelical college humanists will come to the rescue of these disciplines and pursuits in order to counter fundamentalist attacks.

5. *Christian Humanism.* I could write a book about its glories. Erasmus was a Christian humanist, and so was Aquinas, and C. S. Lewis. Christians have often called forth people who could think with, or better, outthink their contemporaries. They love the Lord 'with all their minds,' and discipline their reason in the light of faith. They are not nervous about what literature, history, religious studies or philosophy might turn up. The humanities have taught them critical thinking, and they can turn it on the pretensions of 'mere' humanism, just as they use it to lift up the claims of faith.

Christian humanism, just when we need it, has fallen on hard times. Geniuses are absent and advocates are weary, beleaguered. But there are new signs of life. Christian humanists seek and get no privilege in society and may be underappreciated by antihumanist Christians and non-Christian humanists. That is all right. They should pay some price for their delightful work, their art and craft. But let attacks on humanisms be informed and they will make their way, finding and breaking alliances with various kinds of Christians and humanists as they try to show that 'the fear of the Lord is the beginning of wisdom.'

IV

These days we all have to make distinctions. I dare not lump all evangelicals or all libertarians, for example, into a single camp and fail to discriminate among their various types and myriad persons. I hope you will not listen to those who would lump all humanists into a single bivouac and then take potshots.

A commitment to the humanities is much like a commitment to politics: neither of them will save souls, bring in the Kingdom of God, or make sad hearts glad. It will call them to what John Courtney Murray called civil conversation, as opposed to barbarism. . . .

Reading 28: Martin Luther King, Jr.

From *Why We Can't Wait* by Martin Luther King, Jr. © 1963 by Martin Luther King, Jr. Reprinted by permission of Harper and Row Publishers.

Martin Luther King, Jr., the civil rights leader and Nobel Peace Prize winner who was assassinated in Memphis, Tennessee on April 4, 1968, composed this "Letter" during a period of incarceration in Birmingham, Alabama for an act of nonviolent civil disobedience against racial segregation. King's leadership in everything from sit-ins to protest marches eventually drew criticism from, among others, eight white Alabama ministers who found his attempts to organize peaceful resistance to racial injustice both "unwise and untimely." This eloquent "Letter" was King's response.

King answers the charges his fellow clergymen have brought against him in a number of ways. Not unlike Thomas Jefferson in the "Declaration of Independence" he begins by showing that a policy of nonviolent civil disobedience was adopted only after all other, more conciliatory methods of seeking grievance against unjust laws proved unavailing, and he reiterates that the purpose of this policy of nonviolent civil disobedience has always been to restore the possibilities of peaceful negotiation. He then points out that the recourse to acts of civil disobedience can only be justified in behalf of higher moral laws than those currently protected by the state or a majority of its people, and he defines very carefully the difference between just and unjust laws. He eventually likens his own actions to other "extremists for justice," from the Hebrew prophet, Amos, and the Christian apologist, St. Paul, to his own namesake, Martin Luther, and another martyr for freedom, Abraham Lincoln. But his most telling arguments against the moderation urged on him by his clerical colleagues may well be located in the impassioned description he provides of the constant spectacle of racial injustice in America, particularly as it is felt by a parent, husband, and son, and the sense of disillusionment he has experienced with the Christian church he so deeply loves.

Although Martin Luther King never explicitly addresses the place of religion in relation to the state, this "Letter" expresses the role he thought religion should play in situations where the state has abridged the justice that must be accorded to all its citizens, regardless of color or faith. Furthermore, "Letter from Birmingham Jail" not only represents the most concise statement of King's whole philosophy, but expresses as well a vision from which millions of Americans, white as well as black, drew inspiration in the turbulent years of the civil rights struggle.

From "Letter from Birmingham Jail"

April 16, 1963

My Dear Fellow Clergymen:

While confined here in the Birmingham city jail, I came across your recent statement calling my present activities "unwise and untimely." Seldom do I pause to answer criticism of my work and ideas. If I sought to answer all the criticisms that cross my desk, my secretaries would have little time for anything other than such correspondence in the course of the day, and I would have no time for constructive work. But since I feel that you are men of genuine good will and that your criticisms are sincerely set forth, I want to try to answer your statement in what I hope will be patient and reasonable terms.

I think I should indicate why I am here in Birmingham, since you have been influenced by the view which argues against "outsiders coming in." I have the honor of serving as president of the Southern Christian Leadership Conference, an organization operating in every southern state, with headquarters in Atlanta, Georgia. We have some eighty-five affiliated organizations across the South, and one of them is the Alabama Christian Movement for Human Rights. Frequently we share staff, educational and financial resources with our affiliates. Several months ago the affiliate here in Birmingham asked us to be on call to engage in a nonviolent direct-action program if such were deemed necessary. We readily consented, and when the hour came we lived up to our promise. So I, along with several members of my staff, am here because I was invited here. I am here because I have organizational ties here.

But more basically, I am in Birmingham because injustice is here. Just as the prophets of the eighth century B.C. left their villages and carried their "thus saith the Lord" far beyond the boundaries of their home towns, and just as the Apostle Paul left his village of Tarsus and carried the gospel of Jesus Christ to the far corners of the Greco-Roman world, so am I compelled to carry the gospel of freedom beyond my own home town. Like Paul, I must constantly respond to the Macedonian call for aid.

Moreover, I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuallity, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. Never again can we afford to live with the narrow, provincial "outside agitator" idea. Anyone who lives inside the United States can never be considered an outsider anywhere within its bounds.

You deplore the demonstrations taking place in Birmingham. But your statement, I am sorry to say, fails to express a similar concern for the conditions that brought about the demonstrations. I am sure that none of you would want to rest content with the superficial kind of social analysis that deals merely with effects and does not grapple with underlying causes. It is unfortunate that demonstrations are taking place in Birmingham, but it is even more unfortunate that the city's white power structure left the Negro community with no alternative.

In any nonviolent campaign there are four basic steps: collection of the facts to determine whether injustices exist; negotiation; self-purification; and direct action. We have gone through all these steps in Birmingham. There can be no gainsaying the fact that racial injustice engulfs this community. Birmingham is probably the most thoroughly segregated city in the United States. Its ugly record of brutality is widely known. Negroes have experienced grossly unjust treatment in the courts. There have been more unsolved bombings of Negro homes and churches in Birmingham than in any other city in the nation. These are the hard, brutal facts of the case. On the basis of these conditions, Negro leaders sought to negotiate with the city fathers. But the latter consistently refused to engage in good-faith negotiation.

Then, last September, came the opportunity to talk with leaders of Birmingham's economic community. In the course of the negotiations, certain promises were made by the merchants—for example, to remove the stores' humiliating racial signs. On the basis of these promises, the Reverend Fred Shuttlesworth and the leaders of the Alabama Christian Movement for Human Rights agreed to a moratorium on all demonstrations. As the weeks and months went by, we realized that we were the victims of a broken promise. A few signs, briefly removed, returned; the others remained.

As in so many past experiences, our hopes had been blasted, and the shadow of deep disappointment settled upon us. We had no alternative except to prepare for direct action,

whereby we would present our very bodies as a means of laying our case before the conscience of the local and the national community. Mindful of the difficulties involved, we decided to undertake a process of self-purification. We began a series of workshops on nonviolence, and we repeatedly asked ourselves: "Are you able to accept blows without retaliating?" "Are you able to endure the ordeal of jail?" We decided to schedule our direct-action program for the Easter season, realizing that except for Christmas, this is the main shopping period of the year. Knowing that a strong economic-withdrawal program would be the by-product of direct action, we felt that this would be the best time to bring pressure to bear on the merchants for the needed change.

Then it occurred to us that Birmingham's mayoral election was coming up in March, and we speedily decided to postpone action until after election day. When we discovered that the Commissioner of Public Safety, Eugene "Bull" Connor, had piled up enough votes to be in the run-off, we decided again to postpone action until the day after the run-off so that the demonstrations could not be used to cloud the issues. Like many others, we waited to see Mr. Connor defeated, and to this end we endured postponement after postponement. Having aided in this community need, we felt that our direct-action program could be delayed no longer.

You may well ask: "Why direct action? Why sit-ins, marches and so forth? Isn't negotiation a better path?" You are quite right in calling for negotiation. Indeed, this is the very purpose of direct action. Nonviolent direct action seeks to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. My citing the creation of tension as part of the work of the nonviolent-resister may sound rather shocking. But I must confess that I am not afraid of the word "tension." I have earnestly opposed violent tension, but there is a type of constructive, nonviolent tension which is necessary for growth. Just as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise from the bondage of myths and half-truths to the unfettered realm of creative analysis and objective appraisal, so must we see the need for nonviolent gadflies to create the kind of tension in society that will help men rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood.

The purpose of our direct-action program is to create a situation so crisis-packed that it will inevitably open the door to negotiation. I therefore concur with you in your call for negotiation. Too long has our beloved Southland been bogged down in a tragic effort to live in monologue rather than dialogue.

One of the basic points in your statement is that the action that I and my associates have taken in Birmingham is untimely. Some have asked: "Why didn't you give the new city administration time to act?" The only answer that I can give to this query is that the new Birmingham administration must be prodded about as much as the outgoing one, before it will act. We are sadly mistaken if we feel that the election of Albert Boutwell as mayor will bring the millennium to Birmingham. While Mr. Boutwell is a much more gentle person than Mr. Connor, they are both segregationists, dedicated to maintenance of the status quo. I have hope that Mr. Boutwell will be reasonable enough to see the futility of massive resistance to desegregation. But he will not see this without pressure from devotees of civil rights. My friends, I must say to you that we have not made a single gain in civil rights without determined legal and nonviolent pressure. Lamentably, it is an historical fact that privileged groups seldom give up their privileges voluntarily. Individuals may see the moral light and voluntarily give up their unjust posture; but, as Reinhold Niebuhr has reminded us, groups tend to be more immoral than individuals.

We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. Frankly, I have yet to engage in a direct-action campaign that was "well-timed" in the view of those who have not suffered unduly from the disease of segregation. For years now I have heard the word "Wait!" It rings in the ear of every Negro with piercing familiarity. This "Wait" has almost always meant "Never." We must come to see, with one of our distinguished jurists, that "justice too long delayed is justice denied."

We have waited for more than 340 years for our constitutional and God-given rights. The nations of Asia and Africa are moving with jetlike speed toward gaining political independence, but we still creep at horse-and-buggy pace toward gaining a cup of coffee at a lunch counter. Perhaps it is easy for those who have never felt the stinging darts of segregation to say, "Wait." But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate-filled policemen curse, kick and even kill your black brothers and sisters; when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty in the midst of affluent society; when you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six-year-old daughter why she can't go to the public amusement park that has just been advertised on television, and see tears welling up in her eyes when she is told that Funtown is closed to colored children, and see ominous clouds of inferiority beginning to form in her little mental sky, and see her beginning to distort her personality by developing an unconscious bitterness toward white people; when you have to concoct an answer for a five-year-old son who is asking: "Daddy, why do white people treat colored people so mean?"; when you take a cross-country drive and find it necessary to sleep night after night in the uncomfortable corners of your automobile

because no motel will accept you; when you are humiliated day in and day out by nagging signs reading "white" and "colored"; when your first name becomes "nigger," your middle name becomes "boy" (however old you are) and your last name becomes "John," and your wife and mother are never given the respected title "Mrs."; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tiptoe stance, never quite knowing what to expect next, and are plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of "nobodiness"—then you will understand why we find it difficult to wait. There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into the abyss of despair. I hope, sirs, you can understand our legitimate and unavoidable impatience.

You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, at first glance it may seem rather paradoxical for us consciously to break laws. One may well ask: "How can you advocate breaking some laws and obeying others?" The answer lies in the fact that there are two types of laws: just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that "an unjust law is no law at all."

Now, what is the difference between the two? How does one determine whether a law is just or unjust? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority. Segregation, to use the terminology of the Jewish philosopher Martin Buber, substitutes an "I-it" relationship for an "I-thou" relationship and ends up relegating persons to the status of things. Hence segregation is not only politically, economically and sociologically unsound, it is morally wrong and sinful. Paul Tillich has said that sin is separation. Is not segregation an existential expression of man's tragic separation, his awful estrangement, his terrible sinfulness? Thus it is that I can urge men to obey the 1954 decision of the Supreme Court, for it is morally right; and I can urge them to disobey segregation ordinances, for they are morally wrong.

Let us consider a more concrete example of just and unjust laws. An unjust law is a code that a numerical or power majority group compels a minority group to obey but does not make binding on itself. This is *difference* made legal. By the same token, a just law is a code that a majority compels a minority to follow and that it is willing to follow itself. This is *sameness* made legal.

Let me give another explanation. A law is unjust if it is inflicted on a minority that, as a result of being denied the right to vote, had no part in enacting or devising the law. Who can say that the legislature of Alabama which set up that state's segregation laws was democratically elected? Throughout Alabama all sorts of devious methods are used to prevent Negroes from becoming registered voters, and there are some counties in which, even though Negroes constitute a majority of the population, not a single Negro is registered. Can any law enacted under such circumstances be considered democratically structured?

Sometimes a law is just on its face and unjust on its application. For instance, I have been arrested on a charge of parading without a permit. Now, there is nothing wrong with having an ordinance which requires a permit for a parade. But such an ordinance becomes unjust when it is used to maintain segregation and to deny citizens the First-Amendment privilege of peaceful assembly and protest.

I hope you are able to see the distinction I am trying to point out. In no sense do I advocate evading or defying the law, as would the rabid segregationist. That would lead to anarchy. One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law.

Of course, there is nothing new about this kind of civil disobedience. It was evidenced sublimely in the refusal of Shadrach, Meshach and Abednego to obey the laws of Nebuchadnezzar, on the ground that a higher moral law was at stake. It was practiced superbly by the early Christians, who were willing to face hungry lions and the excruciating pain of chopping blocks rather than submit to certain unjust laws of the Roman Empire. To a degree, academic freedom is a reality today because Socrates practiced civil disobedience. In our own nation, the Boston Tea Party represented a massive act of civil disobedience.

We should never forget that everything Adolf Hitler did in Germany was "legal" and everything the Hungarian freedom fighters did in Hungary was "illegal." It was "illegal" to aid and comfort a Jew in Hitler's Germany. Even so, I am sure that, had I lived in Germany at the time, I would have aided and comforted my Jewish brothers. If today I lived in a Communist country where certain principles dear to the Christian faith are suppressed, I would openly advocate disobeying that country's antireligious laws.

I must make two honest confessions to you, my Christian and Jewish brothers. First, I must confess that over the past few years I have been gravely disappointed with the white mod-

erate. I have almost reached the regrettable conclusion that the Negro's great stumbling block in his stride toward freedom is not the White Citizen's Counciler or the Ku Klux Klanner, but the white moderate, who is more devoted to "order" than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says: "I agree with you in the good you seek, but I cannot agree with your methods of direct action"; who paternalistically believes he can set the timetable for another man's freedom; who lives by a mythical concept of time and who constantly advises the Negro to wait for a "more convenient season." Shallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.

I had hoped that the white moderate would understand that law and order exist for the purpose of establishing justice and that when they fail in this purpose they become the dangerously structured dams that block the flow of social progress. I had hoped that the white moderate would understand that the present tension in the South is a necessary phase of the transition from an obnoxious negative peace, in which the Negro passively accepted his unjust plight, to a substantive and positive peace, in which all men will respect the dignity and worth of human personality. Actually, we who engage in nonviolent direct action are not the creators of tension. We merely bring to the surface the hidden tension that is already alive. We bring it out in the open, where it can be seen and dealt with. Like a boil that can never be cured so long as it is covered up but must be opened with all its ugliness to the natural medicines of air and light, injustice must be exposed, with all the tension its exposure creates, to the light of human conscience and the air of national opinion before it can be cured.

In your statement you assert that our actions, even though peaceful, must be condemned because they precipitate violence. But is this a logical assertion? Isn't this like condemning a robbed man because his possession of money precipitated the evil act of robbery? Isn't this like condemning Socrates because his unswerving commitment to truth and his philosophical inquiries precipitated the act by the misguided populace in which they made him drink hemlock? Isn't this like condemning Jesus because his unique God-consciousness and never-ceasing devotion to God's will precipitated the evil act of crucifixion? We must come to see that, as the federal courts have consistently affirmed, it is wrong to urge an individual to cease his efforts to gain his basic constitutional rights because the quest may precipitate violence. Society must protect the robbed and punish the robber.

I had also hoped that the white moderate would reject the myth concerning time in relation to the struggle for freedom. I have just received a letter from a white brother in Texas. He writes: "All Christians know that the colored people will receive equal rights eventually, but it is possible that you are in too great a religious hurry. It has taken Christianity almost two thousand years to accomplish what it has. The teachings of Christ take time to come to earth." Such an attitude stems from a tragic misconception of time, from the strangely irrational notion that there is something in the very flow of time that will inevitably cure all ills. Actually, time itself is neutral; it can be used either destructively or constructively. More and more I feel that the people of ill will have used time much more effectively than have the people of good will. We will have to repent in this generation not merely for the hateful words and actions of the bad people but for the appalling silence of the good people. Human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men willing to be co-workers with God, and without this hard work, time itself becomes an ally of the forces of social stagnation. We must use time creatively, in the knowledge that the time is always ripe to do right. Now is the time to make real the promise of democracy and transform our pending national elegy into a creative psalm of brotherhood. Now is the time to lift our national policy from the quicksand of racial injustice to the solid rock of human dignity.

You speak of our activity in Birmingham as extreme. At first I was rather disappointed that fellow clergymen would see my nonviolent efforts as those of an extremist. I began thinking about the fact that I stand in the middle of two opposing forces in the Negro community. One is a force of complacency, made up in part of Negroes who, as a result of long years of oppression, are so drained of self-respect and a sense of "somebodiness" that they have adjusted to segregation; and in part of a few middle-class Negroes who, because of a degree of academic and economic secularity and because in some ways they profit by segregation, have become insensitive to the problems of the masses. The other force is one of bitterness and hatred, and it comes perilously close to advocating violence. It is expressed in the various black nationalist groups that are springing up across the nation, the largest and best-known being Elijah Muhammad's Muslim movement. Nourished by the Negro's frustration over the continued existence of racial discrimination, this movement is made up of people who have lost faith in America, who have absolutely repudiated Christianity, and who have concluded that the white man is an incorrigible "devil."

I have tried to stand between these two forces, saying that we need emulate neither the "do-nothingism" of the complacent nor the hatred and despair of the black nationalist. For there is the more excellent way of love and nonviolent protest. I am grateful to God that, through the influence of the Negro church, the way of nonviolence became an integral part of our struggle.

If this philosophy had not emerged, by now many streets of the South would, I am convinced, be flowing with blood. And I am further convinced that if our white brothers dismiss as "rabble-rousers" and "outside agitators" those of us who

employ nonviolent direct action, and if they refuse to support our nonviolent efforts, millions of Negroes will, out of frustration and despair, seek solace and security in black-nationalist ideologies—a development that would inevitably lead to a frightening racial nightmare.

Oppressed people cannot remain oppressed forever. The yearning for freedom eventually manifests itself, and that is what has happened to the American Negro. Something within has reminded him of his birthright of freedom, and something without has reminded him that it can be gained. Consciously or unconsciously, he has been caught up by the *Zeitgeist*, and with his black brothers of Africa and his brown and yellow brothers of Asia, South America and the Caribbean, the United States Negro is moving with a sense of great urgency toward this vital urge that has engulfed the Negro community, one should readily understand why public demonstrations are taking place. The Negro has many pent-up resentments and latent frustrations, and he must release them. So let him march; let him make prayer pilgrimages to the city hall; let him go on freedom rides—and try to understand why he must do so. If his repressed emotions are not released in nonviolent ways, they will seek expression through violence; this is not a threat but a fact of history. So I have not said to my people: "Get rid of your discontent." Rather, I have tried to say that this normal and healthy discontent can be channeled into the creative outlet of nonviolent direct action. And now this approach is being termed extremist.

But though I was initially disappointed at being categorized as an extremist, as I continuied to think about the matter I gradually gai[illegible] measure of satisfaction from the label. Was not Jesus an extremist for love: "Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you." Was not Amos an extremist for justice: "Let justice roll down like waters and righteousness like an ever-flowing stream." Was not Paul an extremist for the Christian gospel: "I bear in my body the marks of the Lord Jesus." Was not Martin Luther an extremist: "Here I stand; I cannot do otherwise, so help me God." And John Bunyan: "I will stay in jail to the end of my days before I make a butchery of my conscience." And Abraham Lincoln: "This nation cannot survive half slave and half free." And Thomas Jefferson: "We hold these truths to be self-evident, that all men are created equal..." So the question is not whether we will be extremists, but what kind of extremists we will be. Will we be extremists for hate or for love? Will we be extremists for the preservation of injustice or for the extension of justice? In that dramatic scene on Calvary's hill three men were crucified. We must never forget that all three were crucified for the same crime—the crime of extremism. Two were extremists for immorality, and thus fell below their environment. The other, Jesus Christ, was an extremist for love, truth and goodness, and thereby rose above his environment. Perhaps the South, the nation and the world are in dire need of creative extremists.

I had hoped that the white moderate would see this need. Perhaps I was too optimistic; perhaps I expected too much. I suppose I should have realized that few members of the oppressor race can understand the deep groans and passionate yearnings of the oppressed race, and still fewer have the vision to see that injustice must be rooted out by strong, persistent and determined action. I am thankful, however, that some of our white brothers in the South have grasped the meaning of this social revolution and committed themselves to it. They are still all too few in quantity, but they are big in quality. Some—such as Ralph McGill, Lillian Smith, Harry Golden, James McBride Dabbs, Ann Braden and Sarah Patton Boyle—have written about our struggle in eloquent and prophetic terms. Others have marched with us down nameless streets of the South. They have languished in filthy, roach-infested jails, suffering the abuse and brutality of policemen who view them as "dirty nigger-lovers." Unlike so many of their moderate brothers and sisters, they have recognized the urgency of the moment and sensed the need for powerful "action" antidotes to combat the disease of segregation.

Let me take note of my other major disappointment. I have been so greatly disappointed with the white church and its leadership. Of course, there are some notable exceptions. I am not unmindful of the fact that each of you has taken some significant stands on this issue. I commend you, Reverend Stallings, for your Christian stand on this past Sunday, in welcoming Negroes to your worship service on a nonsegregated basis. I commend the Catholic leaders of this state for integrating Spring Hill College several years ago.

But despite these notable exceptions, I must honestly reiterate that I have been disappointed with the church. I do not say this as one of those negative critics who can always find something wrong with the church. I say this as a minister of the gospel, who loves the church; who was nurtured in its bosom; who has been sustained by its spiritual blessings and who will remain true to it as long as the cord of life shall lengthen.

When I was suddenly catapulted into the leadership of the bus protest in Montgomery, Alabama, a few years ago, I felt we would be supported by the white church. I felt that the white ministers, priests and rabbis of the South would be among our strongest allies. Instead, some have been outright opponents, refusing to understand the freedom movement and misrepresenting its leaders; all too many others have been more cautious than courageous and have remained silent behind the anesthetizing security of stained-glass windows.

* * *

Before closing I feel impelled to mention one other point in your statement that has troubled me profoundly. You warmly commended the Birmingham police force for keeping "order" and "preventing violence." I doubt that you would

have so warmly commended the police force if you had seen its dogs sinking their teeth into unarmed, nonviolent Negroes. I doubt that you would so quickly commend the policemen if you were to observe their ugly and inhumane treatment of Negroes here in the city jail; if you were to watch them push and curse old Negro women and young Negro girls; if you were to see them slap and kick old Negro men and young boys; if you were to observe them, as they did on two occasions, refuse to give us food because we wanted to sing our grace together. I cannot join you in your praise of the Birmingham police department.

It is true that the police have exercised a degree of discipline in handling the demonstrators. In this sense they have conducted themselves rather "nonviolently" in public. But for what purpose? To preserve the evil system of segregation. Over the past few years I have consistently preached that nonviolence demands that the means we use must be as pure as the ends we seek. I have tried to make clear that it is wrong to use immoral means to attain moral ends. But now I must affirm that it is just as wrong, or perhaps even more so, to use moral means to preserve immoral ends. Perhaps Mr. Connor and his policemen have been rather nonviolent in public, as was Chief Pritchett in Albany, Georgia, but they have used the moral means of nonviolence to maintain the immoral end of racial injustice. As T.S. Eliot has said: "The last temptation is the greatest treason: To do the right deed for the wrong reason."

I wish you had commended the Negro sit-inners and demonstrators of Birmingham for their sublime courage, their willingness to suffer and their amazing discipline in the midst of great provocation. One day the South will recognize its real heroes. They will be the James Merediths, with the noble sense of purpose that enables them to face jeering and hostile mobs, and with the agonizing loneliness that characterizes the life of the pioneer. They will be old, oppressed, battered Negro women, symbolized in a seventy-two-year-old woman in Montgomery, Alabama, who rose up with a sense of dignity and with her people decided not to ride segregated buses, and who responded with ungrammatical profundity to one who inquired about her weariness: "My feets is tired, but my soul is at rest." They will be the young high school and college students, the young ministers of the gospel and a host of their elders, courageously and nonviolently sitting in at lunch counters and willingly going to jail for conscience' sake. One day the South will know that when these disinherited children of God sat down at lunch counters, they were in reality standing up for what is best in the American dream and for the most sacred values in our Judaeo-Christian heritage, thereby bringing our nation back to those great wells of democracy which were dug deep by the founding fathers in their formulation of the Constitution and the Declaration of Independence.

Never before have I written so long a letter. I'm afraid it is much too long to take your precious time. I can assure you that it would have been much shorter if I had been writing from a comfortable desk, but what else can one do when he is alone in a narrow jail cell, other than write long letters, think long thoughts and pray long prayers?

If I have said anything in this letter that overstates the truth and indicates an unreasonable impatience, I beg you to forgive me. If I have said anything that understates the truth and indicates my having a patience that allows me to settle for anything less than brotherhood, I beg God to forgive me.

I hope this letter finds you strong in the faith. I also hope that circumstances will soon make it possible for me to meet each of you, not as an integrationist or a civil-rights leader but as a fellow clergyman and a Christian brother. Let us all hope that the dark clouds of racial prejudice will soon pass away and the deep fog of misunderstanding will be lifted from our fear-drenched communities, and in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great nation with all their scintillating beauty.

Yours for the cause of Peace and Brotherhood,
Martin Luther King, Jr.

Reading 29: H. Richard Niebuhr

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H. Richard Niebuhr, the brother of Reinhold Niebuhr, was a prominent Protestant theologian in his own right who wrote extensively about the relationship between religion and society. Like other neo-orthodox thinkers, H. Richard Niebuhr was sharply critical of the human temptation to absolutize every relative perspective of truth, but he was perhaps even more sensitive than his brother, Reinhold, to the way religious faiths can be entangled and confused with social faiths.

In the present selection Niebuhr defines the difference between monotheistic religion and social religion. The one is universalistic, the other particularistic. Where monotheism places its faith in the God above or beyond any community or nation, henotheism, as Niebuhr calls it, or social religion, places its faith in the God of some specific political community or nation. Yet Niebuhr is convinced that it is not as simple as it might at first appear to keep monotheism separate from henotheism, and in any event it is imperative, Niebuhr argues, to understand how the first, monotheism, can shade imperceptibly into the other, henotheism. This insight seems particularly germane to the present controversy within certain religious and secular circles in America over competing world views.

"The Struggle of Social with Monotheistic Faith"

It has been difficult to point out the place of faith in political life without becoming involved at once in questions about the forms of such political faith. It almost seems as though faith in its political manifestations is always social and henotheistic. Social faith—confidence in the community itself as source and conserver of value, loyalty to it as the cause—was characteristic, we have noted, of ancient political communities in which magistracy and priesthood, church and state, society and god were identified. It is characteristic also of most modern secular nations which, without benefit of mythology, theology, or metaphysics, so identify themselves with the cause they claim to serve that devotion to the nation and devotion to its cause are blurred into each other; so that reliance on the society is equated with trust in Nature, in Nature's God, or in the determination of destiny by some iron law of history. The U.S.S.R. and Communism are related to each other even more intimately than were Czarist Russia and the Orthodox church; the United States and Democracy are associated in speech and thought more closely than the Bay Colony was with the Reformed religion; the Western nations not only champion but regard themselves as embodying liberal humanism in much the same way that the Holy Roman Empire identified itself with the Holy Catholic faith. If we analyze the situation with the aid of our concept of faith it is difficult to take seriously the idea that the modern state has become secular and assigned the domain of the sacred wholly to the church. In terms of faith it is often as "religious" as any medieval or ancient community was.

Yet there are manifest differences in the way the doctrines of the political community are held and its principles of action put into effect. In the West, at all events, it is not to be taken for granted that henotheism, in which the political society itself is the center of value and cause of loyalty, is the dominant faith. One thing that gives Western politics its character is the presence in it of a ferment of monotheist conviction and a constant struggle of universal with particularist faith. National faith is forever being qualified by monotheism. It will not do, to be sure, to say that the American nation is intensely God-fearing in a monotheistic sense of God; there is too much evidence to the contrary. Yet God-fearingness, as reverence for the principle of all being and for its domain, is present among us and is in almost daily conflict or tension with our large and small social faiths. We are made aware of the struggle in political life of monotheism with henotheism at two points: in our effort to understand historically some of our great political decisions of the past and in the continuation in present decisions of the policies so laid down. These two—historical understanding and present practice—are closely related. In historical inquiry we find that each of the great decisions has at least a double root; in present decisions to continue inherited policies we discover that we must carry them out in one way or another according to the context of faith in which we make the new resolution.

Freedom of religion in our society may be taken as one case in point. The American nation resolved in the past that the state should make no laws respecting an establishment of religion nor hinder its free exercise; it has followed that resolution with many others until the United States has become the country in which not only many varieties of historic religious organization but many novel prophetisms and enthusiasms flourish. This freedom of religion has a double, if not triple rootage.[1] On the one hand it derives from the necessity of compromise among manifold religious groups which for the sake of maintaining the national unity tolerate each other and agree with certain political leaders that the issues posed in churches are of less importance than those posed in the state. The idea may take the form of the belief that religion is a private matter or that a man's relation to his god does not affect his value or his effectiveness as a citizen, or that in religion he is concerned with a world wholly distinct from the world of political affairs. In this case religious freedom is the result of the acceptance of the secondary character of all religious loyalties. Religious freedom and religious toleration may then be practiced as they were in the Roman Empire; so long as people can be counted on to make national loyalty supreme, they may be allowed to follow any religion.

But religious freedom has another root in the past and may be presently practiced in another context. It was founded not only on the reflection that national unity is imperiled by the strife of sects so long as each of them can aspire to the exercise of political power; its other source was the acknowledgment that loyalty to God is prior to every civic loyalty; that before man is a member of any political society he is a member of the universal commonwealth in which he is under obliga-

tions that take precedence over all duties to the state; and that the state must therefore acknowledge men's rights to perform such duties. Religion, so understood, lies beyond the provenance of the state not because it is a private, inconsequential, or other-worldly matter but because it concerns men's allegiance to a sovereignty and a community more immediate, more inclusive, and more fateful than those of the political commonwealth. Religious freedom understood and practiced in the former context is a grant made by a state exercising sovereign power; understood and practiced in the latter context it is an acknowledgment by the state of the limitation of its sovereignty and of the relative character of the loyalty it is entitled to claim.

Whether today religious freedom is to be practiced in the one context or the other cannot be decided by reference to the mixed sources of past resolutions. The choice has not been made once and for all in the past. It is repeated in daily decisions. The differences in interpretation and practice that result from contemporary decisions made within the context of national loyalty and those made in the context of universal loyalty appear for the most part undramatically, sometimes in judicial decisions and dissenting opinions that do not attract wide attention.[2] Such differences become dramatically apparent only in great crises, as, for instance, in the church-state conflicts of Hitler's Germany. So far we have had no great test in America of the mode of our belief in religious liberty. Insofar as most popular utterances on the subject may be taken as a clue, it seems that Americans are interpreting and practicing religious liberty in general as though its context were simply that of national life. In the thinking of many it is a right bestowed upon citizens by a sovereign nation, not a national acknowledgment of the presence of a sovereign God to whom a loyalty is due that transcends national loyalty. Henotheism and monotheism are in conflict here in the political life, not as church and state are, but within the state itself as in other instances they struggle within the church.

The dual rootage in history of our political dogmas and the alternative contexts in which they may be interpreted in present decision can be illustrated by other democratic principles. The dogma that all power must be limited and the continued practice of balancing power against power, have their origins in the need of finding compromise among rival claimants to authority if national loyalty is to be supreme; but also in the conviction that ultimate power belongs only to God and that in the nature of things, according to the constitution of the universal commonwealth as it were, finite power is actually limited and works destructively if it is not guarded against the constant temptation to make itself infinite, totalitarian, and godlike. The duality appears also in questions about law—whether its source and the context of its interpretation is the social will or the will of God—a structure of right that pervades the realm of being. The idea of the sacredness of covenants has arisen both out of the social regulation of economic practices and out of the conviction that all the world is based on promise and promise-keeping, that God himself is faithful and requires, as he makes possible, a righteousness of faith among men in all their relations.

When we ask the historical question about the origin of our democratic principles, we are likely to raise it in the confused form of an inquiry into the influence of churches or of religious movements on political decisions. So we ask about Puritanism and democracy, or about Calvinism and the right of resistance against tyrants, or about Judaism and the doctrine of the covenant, or about Catholicism and the doctrine of natural law. While some progress can be made in self-understanding by means of these inquiries, confusion also results partly because the churches and the religious movements have themselves never been wholly free from the influence of social faith. Hence when we speak of "theocracy" in New England, we think quite as frequently of the rule of the preachers as of the rule of God, and the conflict of "theocracy" with democracy appears in part as conflict between church sovereignty and popular sovereignty; when we speak of the Catholic teaching about natural law, we think of the church's claim to be the interpreter of that law; and when we inquire into the Calvinist theory of resistance to tyrants we think of revolutions made for the sake of maintaining a particular creed more than of those made in loyalty to the Universal Sovereign and his realm. But despite the confusion between social will and divine will, or between loyalty to a limited community and loyalty to God, the distinction between the two can be made and seen to be significant not only in conflicts between church and state but in intrastate as in intrachurch conflicts as well.

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[1] In many instances the triple origin and triple application of national policies is suggested; pluralism takes its place alongside of henotheism and monotheism. In the present discussion the pluralistic aspects of political faith have been left out of consideration for the most part in order that the analysis should not become too complicated and because in my judgment pluralism has usually been subordinated in politics to the social faith. If faith in the realms of economic and poetic or aesthetic activity were analyzed, larger attention would probably need to be paid to pluralism.

[2] The two positions are illustrated, for instance, in Chief Justice Hughes' dissenting and in Justice Sutherland's majority opinion in the Macintosh case. Said Chief Justice Hughes: "In the forum of conscience, duty to a moral power higher than the state has always been maintained.... The essence of religion is belief in a relation to God involving duties superior to those arising from any human relation." Justice Sutherland, however, stated that "government must go forward upon the assumption, and safely can proceed upon no other, that unqualified allegiance to the nation and submission and obedi-

ence to the laws of the land, as well those made for war as those made for peace, are not inconsistent with the will of God." (*U.S. v. Macintosh*, 283 U.S., October Term, 1930.) God and nation are not identified, to be sure, in the latter statement, but the distinction is blurred over in familiar fashion.

Questions for Discussion

1. In what sense is the contemporary distinction between religious and secular, and more explicitly between orthodox Christian and secular humanist, an extension of the distinction between church and state, or between the religious order and the civil? In what sense is it not?

2. What are some of the differences between those who would argue that America is, or should be, a religious nation and those who dispute this? What are some of the similarities?

3. Do those, like Francis Schaeffer, George Marsden, and Terry Eastland, who argue for the importance of keeping America religious mean the same thing by this as those who, like Paul Kurtz, Martin E. Marty, and, by implication, Reinhold Niebuhr, caution against such an aim? Where do the partisans for and against differ among themselves?

4. When does the attempt to bring religion to bear upon the reformation of the state, of the civil order, turn into the attempt to absolutize the state religiously, and are there any principles within religion itself, or at least within the principal religious traditions which have been active in America—Protestantism, Roman Catholicism, and Judaism—which can serve as a correlative?